

AMENDED IN SENATE APRIL 28, 2011

SENATE BILL

No. 942

**Introduced by Committee on Education (Senators Lowenthal
(Chair), Alquist, Blakeslee, Hancock, Huff, Liu, Price, Runner,
Simitian, and Vargas)**

March 24, 2011

An act to amend Sections 8206.1, 8208, 8236, 8278.3, 8279.7, 8286, 8484.9, 8802, 8803, 8807, 10601.5, 11800, 17250.40, 40081, 41327.1, 41327.2, 42127.8, 44265.2, 44280, 48005.45, 49701, 52055.720, 52055.730, 52055.760, 52055.770, and 69984 52128.5, 56030.5, 56337, 56363, 56441.11, 60855, and 60900 of, to repeal Sections 33126.2, 41329.59, and 53075 of, to repeal Article 3.8 (commencing with Section 32239.5) of Chapter 2 of Part 19 of Division 1 of Title 1 of, to repeal Article 3.5 (commencing with Section 52360) of Chapter 9 of Part 28 of Division 4 of Title 2 of, and to repeal Chapter 8.5 (commencing with Section 52250) of, Chapter 8.6 (commencing with Section 52270) of, and Chapter 16 (commencing with Section 53050) of Part 28 of, and to repeal Chapter 2 (commencing with Section 63050) of Part 35 of, Division 4 of Title 2 of, the Education Code, relating to the Secretary for Education Code, to amend Sections 42630, 71300, and 71301 of, and to repeal Section 42645 of, the Public Resources Code, and to amend Sections 4341.1, 4380, 5870, 18986.20, 18986.23, and 18986.24 of, and to repeal Sections 2102 and 18986.3 of, the Welfare and Institutions Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

SB 942, as amended, Committee on Education. Secretary for Education.

~~(1) Existing law, the Machado School Violence Prevention and Response Act of 1999, establishes the School Violence Prevention and Response Task Force and makes the Secretary for Education, among others, an ex officio voting member. The task force is required to hold at least 2 public meetings, make recommendations on how to enhance state and local programs and training to adequately prepare school districts and county offices of education regarding disruptive and violent acts on or near school campuses, suggest methods for training school personnel regarding risk factors that lead to violence, and analyze and evaluate statutes and programs on school-based crisis prevention and response.~~

~~This bill would eliminate the task force.~~

~~(2) Existing law, the Quality Education Investment Act of 2006 (QEIA), requires the Superintendent of Public Instruction to identify and invite school districts and chartering authorities that have eligible schools to participate in the QEIA program and receive funds to improve academic instruction and pupil academic achievement by agreeing to comply with specified program requirements. Existing~~

~~(1) Existing law gives the Secretary for Education various duties with respect to the program various child care and development, school, and education programs, including, among others, serving on advisory bodies, receiving reports, and consulting on various matters.~~

~~This bill would eliminate the secretary's duties with regard to the QEIA program specified programs, including, among others, the Child Care Facilities Revolving Fund, the Advisory Committee on Before and After School Programs, the Healthy Start Support Services for Children program, the California Longitudinal Teacher Integrated Data Education System, the Quality Education Investment Act of 2006, and the California Longitudinal Pupil Achievement Data System advisory board.~~

~~(3)~~

~~(2) Existing law establishes the Education Technology Grant Program to provide one-time grants to school districts and charter schools for purposes of acquiring computers for instructional purposes at public schools and requires the Office of the Secretary for Education to administer the application process for the award of grants. Existing law establishes the Digital High School Education Technology Grant Program with the objective of providing all high school pupils with basic computer skills. The Governor's Office of Child Development and Education is required to provide input on grant application criteria.~~

This bill would repeal ~~the program~~ *these programs*.

~~(4)~~

(3) Existing law establishes the Industry-Based Certification Incentive Grant Program for the purpose of awarding grants to selected school districts, county offices of education, and regional occupational centers and programs to establish industry-based certification programs within their career technical programs. Existing law requires the State Department of Education, in consultation with the Secretary for Education, to administer the program.

This bill would repeal the program.

~~(5)~~

(4) Existing law establishes the Governor's Reading Award Program, a grant program for school districts that maintain kindergarten or any of grades 1 to 8, inclusive, and requires the Secretary for Education to administer the program on behalf of the Governor.

Existing law requires the Secretary for Education, subject to the availability of funding, to contract for the development and establishment of a public involvement campaign to inform Californians that promoting reading in the public schools as a key to success in life is the responsibility of all Californians.

This bill would repeal the Governor's Reading Award Program and the requirement that the secretary contract for the public involvement campaign.

~~(6) Existing law creates an instrumentality of the state that is known as the Golden State Scholarshare College Savings Trust and vests the purposes, powers, and duties of the Scholarshare trust in the Scholarshare Investment Board. Existing law makes the Secretary of Education a member of the board.~~

~~This bill would eliminate the secretary as a member of the board.~~

~~(5) Existing law governing special education programs contains references to mental retardation.~~

~~This bill would change those references to intellectual disability.~~

~~(6) This bill would make technical and conforming changes and would repeal some obsolete provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 8206.1 of the Education Code is amended*
2 *to read:*

3 8206.1. (a) The Superintendent of ~~Public Instruction~~ shall
4 collaborate with ~~the Secretary for Education~~ and the Secretary of
5 Health and Human Services, with the advice and assistance of the
6 Child Development Programs Advisory Committee, in the
7 development of the state plan required pursuant to the federal Child
8 Care and Development Fund, ~~prior to~~ *before* submitting or
9 reporting on that plan to the federal Secretary of Health and Human
10 Services.

11 (b) (1) For purposes of this section, “Child Care and
12 Development Fund” has the same meaning as in Section 98.2 of
13 Title 45 of the Code of Federal Regulations.

14 (2) For the purposes of this section, “collaborate” means to
15 cooperate with and to consult with.

16 (c) As required by federal law, the ~~State Department of~~
17 ~~Education~~ *department* shall develop an expenditure plan that sets
18 forth the final priorities for child care. The department shall
19 coordinate with the State Department of Social Services, the
20 California Children and Families Commission, and other
21 stakeholders, including the Department of Finance, to develop the
22 Child Care and Development Fund (CCDF) Plan. On or before
23 February 1 of the year that the CCDF Plan is due to the federal
24 government, the department shall release a draft of the plan. The
25 department shall then commence a 30-day comment period that
26 shall include at least one hearing and the opportunity for written
27 comments. ~~Prior to~~ *Before* the May budget revision, the department
28 shall provide the revised CCDF Plan to the chairs of the committees
29 of each house of the Legislature that consider appropriations, and
30 shall provide a report on the plan to the committees in each house
31 of the Legislature that consider the annual Budget Act
32 appropriation.

33 *SEC. 2. Section 8208 of the Education Code is amended to*
34 *read:*

35 8208. As used in this chapter:

36 (a) “Alternative payments” includes payments that are made by
37 one child care agency to another agency or child care provider for
38 the provision of child care and development services, and payments

1 that are made by an agency to a parent for the parent's purchase
2 of child care and development services.

3 (b) "Alternative payment program" means a local government
4 agency or nonprofit organization that has contracted with the
5 department pursuant to Section 8220.1 to provide alternative
6 payments and to provide support services to parents and providers.

7 (c) "Applicant or contracting agency" means a school district,
8 community college district, college or university, county
9 superintendent of schools, county, city, public agency, private
10 nontax-exempt agency, private tax-exempt agency, or other entity
11 that is authorized to establish, maintain, or operate services
12 pursuant to this chapter. Private agencies and parent cooperatives,
13 duly licensed by law, shall receive the same consideration as any
14 other authorized entity with no loss of parental decisionmaking
15 prerogatives as consistent with the provisions of this chapter.

16 (d) "Assigned reimbursement rate" is that rate established by
17 the contract with the agency and is derived by dividing the total
18 dollar amount of the contract by the minimum child day of average
19 daily enrollment level of service required.

20 (e) "Attendance" means the number of children present at a
21 child care and development facility. "Attendance," for the purposes
22 of reimbursement, includes excused absences by children because
23 of illness, quarantine, illness or quarantine of their parent, family
24 emergency, or to spend time with a parent or other relative as
25 required by a court of law or that is clearly in the best interest of
26 the child.

27 (f) "Capital outlay" means the amount paid for the renovation
28 and repair of child care and development facilities to comply with
29 state and local health and safety standards, and the amount paid
30 for the state purchase of relocatable child care and development
31 facilities for lease to qualifying contracting agencies.

32 (g) "Caregiver" means a person who provides direct care,
33 supervision, and guidance to children in a child care and
34 development facility.

35 (h) "Child care and development facility" means any residence
36 or building or part thereof in which child care and development
37 services are provided.

38 (i) "Child care and development programs" means those
39 programs that offer a full range of services for children who are
40 10 years of age or younger, for children with exceptional needs as

1 defined in subdivision (l), for children 12 years of age or younger
2 who are recipients of child protective services or at risk of abuse,
3 neglect, or exploitation as described in subparagraph (D) of
4 paragraph (1) of subdivision (a) of Section 8263 and as defined in
5 subdivision (k), for children 12 years of age or younger who are
6 provided services during nontraditional hours as defined in
7 subdivision (a), for children 12 years of age or younger who are
8 homeless as described in subparagraph (C) of paragraph (1) of
9 subdivision (a) of Section 8263, and for children who are 11 and
10 12 years of age, as funding permits, pursuant to subdivision (h) of
11 Section 8447, for any part of a day, by a public or private agency,
12 in centers and family child care homes. These programs include,
13 but are not limited to, all of the following:

- 14 (1) General child care and development.
- 15 (2) Migrant child care and development.
- 16 (3) Child care provided by the California School Age Families
17 Education Program (Article 7.1 (commencing with Section 54740)
18 of Chapter 9 of Part 29 of Division 4 of Title 2).
- 19 (4) California state preschool program.
- 20 (5) Resource and referral.
- 21 (6) Child care and development services for children with
22 exceptional needs.
- 23 (7) Family child care home education network.
- 24 (8) Alternative payment.
- 25 (9) Schoolage community child care.
- 26 (j) "Child care and development services" means those services
27 designed to meet a wide variety of needs of children and their
28 families, while their parents or guardians are working, in training,
29 seeking employment, incapacitated, or in need of respite. These
30 services may include direct care and supervision, instructional
31 activities, resource and referral programs, and alternative payment
32 arrangements.

33 (k) "Children at risk of abuse, neglect, or exploitation" means
34 children who are so identified in a written referral from a legal,
35 medical, or social service agency, or emergency shelter.

36 (l) "Children with exceptional needs" means either of the
37 following:

- 38 (1) Infants and toddlers under three years of age who have been
39 determined to be eligible for early intervention services pursuant
40 to the California Early Intervention Services Act (Title 14

(commencing with Section 95000) of the Government Code) and its implementing regulations. These children include an infant or toddler with a developmental delay or established risk condition, or who is at high risk of having a substantial developmental disability, as defined in subdivision (a) of Section 95014 of the Government Code. These children shall have active individualized family service plans, shall be receiving early intervention services, and shall be children who require the special attention of adults in a child care setting.

(2) Children ages 3 to 21 years, inclusive, who have been determined to be eligible for special education and related services by an individualized education program team according to the special education requirements contained in Part 30 (commencing with Section 56000) of Division 4 of Title 2, and who meet eligibility criteria described in Section 56026 and, Article 2.5 (commencing with Section 56333) of Chapter 4 of Part 30 of Division 4 of Title 2, and Sections 3030 and 3031 of Title 5 of the California Code of Regulations. These children shall have an active individualized education program, shall be receiving early intervention services or appropriate special education and related services, and shall be children who require the special attention of adults in a child care setting. These children include children with ~~mental retardation~~ *intellectual disabilities*, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (also referred to as emotional disturbance), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities, who need special education and related services consistent with Section 1401(3)(A) of Title 20 of the United States Code.

(m) “Closedown costs” means reimbursements for all approved activities associated with the closing of operations at the end of each growing season for migrant child development programs only.

(n) “Cost” includes, but is not limited to, expenditures that are related to the operation of child care and development programs. “Cost” may include a reasonable amount for state and local contributions to employee benefits, including approved retirement programs, agency administration, and any other reasonable program operational costs. “Cost” may also include amounts for licensable

1 facilities in the community served by the program, including lease
2 payments or depreciation, downpayments, and payments of
3 principal and interest on loans incurred to acquire, rehabilitate, or
4 construct licensable facilities, but these costs shall not exceed fair
5 market rents existing in the community in which the facility is
6 located. “Reasonable and necessary costs” are costs that, in nature
7 and amount, do not exceed what an ordinary prudent person would
8 incur in the conduct of a competitive business.

9 (o) “Elementary school,” as contained in former Section 425 of
10 Title 20 of the United States Code (the National Defense Education
11 Act of 1958, Public Law 85-864, as amended), includes early
12 childhood education programs and all child development programs,
13 for the purpose of the cancellation provisions of loans to students
14 in institutions of higher learning.

15 (p) “Family child care home education network” means an entity
16 organized under law that contracts with the department pursuant
17 to Section 8245 to make payments to licensed family child care
18 home providers and to provide educational and support services
19 to those providers and to children and families eligible for
20 state-subsidized child care and development services. A family
21 child care home education network may also be referred to as a
22 family child care home system.

23 (q) “Health services” include, but are not limited to, all of the
24 following:

25 (1) Referral, whenever possible, to appropriate health care
26 providers able to provide continuity of medical care.

27 (2) Health screening and health treatment, including a full range
28 of immunization recorded on the appropriate state immunization
29 form to the extent provided by the Medi-Cal Act (Chapter 7
30 (commencing with Section 14000) of Part 3 of Division 9 of the
31 Welfare and Institutions Code) and the Child Health and Disability
32 Prevention Program (Article 6 (commencing with Section 124025)
33 of Chapter 3 of Part 2 of Division 106 of the Health and Safety
34 Code), but only to the extent that ongoing care cannot be obtained
35 utilizing community resources.

36 (3) Health education and training for children, parents, staff,
37 and providers.

38 (4) Followup treatment through referral to appropriate health
39 care agencies or individual health care professionals.

(r) “Higher educational institutions” means the Regents of the University of California, the Trustees of the California State University, the Board of Governors of the California Community Colleges, and the governing bodies of any accredited private nonprofit institution of postsecondary education.

(s) “Intergenerational staff” means persons of various generations.

(t) “Limited-English-speaking-proficient and non-English-speaking-proficient children” means children who are unable to benefit fully from an English-only child care and development program as a result of either of the following:

(1) Having used a language other than English when they first began to speak.

(2) Having a language other than English predominantly or exclusively spoken at home.

(u) “Parent” means a biological parent, stepparent, adoptive parent, foster parent, caretaker relative, or any other adult living with a child who has responsibility for the care and welfare of the child.

(v) “Program director” means a person who, pursuant to Sections 8244 and 8360.1, is qualified to serve as a program director.

(w) “Proprietary child care agency” means an organization or facility providing child care, which is operated for profit.

(x) “Resource and referral programs” means programs that provide information to parents, including referrals and coordination of community resources for parents and public or private providers of care. Services frequently include, but are not limited to: technical assistance for providers, toy-lending libraries, equipment-lending libraries, toy- and equipment-lending libraries, staff development programs, health and nutrition education, and referrals to social services.

(y) “Severely disabled children” are children with exceptional needs from birth to 21 years of age, inclusive, who require intensive instruction and training in programs serving pupils with the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbances, or severe ~~mental-retardation~~ *intellectual disabilities*. “Severely disabled children” also include those individuals who would have been eligible for enrollment in a developmental center for handicapped

pupils under Chapter 6 (commencing with Section 56800) of Part 30 of Division 4 of Title 2 as it read on January 1, 1980.

(z) “Short-term respite child care” means child care service to assist families whose children have been identified through written referral from a legal, medical, or social service agency, or emergency shelter as being neglected, abused, exploited, or homeless, or at risk of being neglected, abused, exploited, or homeless. Child care is provided for less than 24 hours per day in child care centers, treatment centers for abusive parents, family child care homes, or in the child’s own home.

(aa) (1) “Site supervisor” means a person who, regardless of his or her title, has operational program responsibility for a child care and development program at a single site. A site supervisor shall hold a permit issued by the Commission on Teacher Credentialing that authorizes supervision of a child care and development program operating in a single site. The Superintendent may waive the requirements of this subdivision if the Superintendent determines that the existence of compelling need is appropriately documented.

(2) For California state preschool programs, a site supervisor may qualify under any of the provisions in this subdivision, or may qualify by holding an administrative credential or an administrative services credential. A person who meets the qualifications of a program director under both Sections 8244 and 8360.1 is also qualified under this subdivision.

(ab) “Standard reimbursement rate” means that rate established by the Superintendent pursuant to Section 8265.

(ac) “Startup costs” means those expenses an agency incurs in the process of opening a new or additional facility prior to the full enrollment of children.

(ad) “California state preschool program” means part-day and full-day educational programs for low-income or otherwise disadvantaged three- and four-year-old children.

(ae) “Support services” means those services that, when combined with child care and development services, help promote the healthy physical, mental, social, and emotional growth of children. Support services include, but are not limited to: protective services, parent training, provider and staff training, transportation, parent and child counseling, child development resource and referral services, and child placement counseling.

1 (af) “Teacher” means a person with the appropriate permit issued
2 by the Commission on Teacher Credentialing who provides
3 program supervision and instruction that includes supervision of
4 a number of aides, volunteers, and groups of children.

5 (ag) “Underserved area” means a county or subcounty area,
6 including, but not limited to, school districts, census tracts, or ZIP
7 Code areas, where the ratio of publicly subsidized child care and
8 development program services to the need for these services is
9 low, as determined by the Superintendent.

10 (ah) “Workday” means the time that the parent requires
11 temporary care for a child for any of the following reasons:

12 (1) To undertake training in preparation for a job.

13 (2) To undertake or retain a job.

14 (3) To undertake other activities that are essential to maintaining
15 or improving the social and economic function of the family, are
16 beneficial to the community, or are required because of health
17 problems in the family.

18 (ai) “Three-year-old children” means children who will have
19 their third birthday on or before December 2 of the fiscal year in
20 which they are enrolled in a California state preschool program.

21 (aj) “Four-year-old children” means children who will have
22 their fourth birthday on or before December 2 of the fiscal year in
23 which they are enrolled in a California state preschool program.

24 (ak) “Local educational agency” means a school district, a
25 county office of education, a community college district, or a
26 school district on behalf of one or more schools within the school
27 district.

28 (al) “Nontraditional hours” means that the parent or legal
29 guardian has a certified need for child care that includes hours
30 during the period from 6:00 p.m. to 6:00 a.m. on any day of the
31 week or during any period between 6:00 a.m. Saturday to 6:00
32 a.m. Monday.

33 *SEC. 3. Section 8236 of the Education Code is amended to*
34 *read:*

35 8236. (a) (1) Each applicant or contracting agency funded
36 pursuant to Section 8235 shall give first priority to three- or
37 four-year-old neglected or abused children who are recipients of
38 child protective services, or who are at risk of being neglected,
39 abused, or exploited upon written referral from a legal, medical,
40 or social service agency. If an agency is unable to enroll a child

1 in this first priority category, the agency shall refer the child's
2 parent or guardian to local resource and referral services so that
3 services for the child can be located.

4 (2) Notwithstanding Section 8263, after children in the first
5 priority category set forth in paragraph (1) are enrolled, each
6 agency funded pursuant to Section 8235 shall give priority to
7 eligible four-year-old children ~~prior to~~ *before* enrolling eligible
8 three-year-old children. Each agency shall certify to the
9 Superintendent that enrollment priority is being given to eligible
10 four-year-old children.

11 (b) For California state preschool programs operating with
12 funding that was initially allocated in a prior fiscal year, at least
13 one-half of the children enrolled at a preschool site shall be
14 four-year-old children. Any exception to this requirement shall be
15 approved by the Superintendent. The Superintendent shall inform
16 ~~the Secretary for Education and the Department of Finance of any~~
17 exceptions that have been granted and the reasons for granting the
18 exceptions.

19 (c) The following provisions apply to the award of new funding
20 for the expansion of the California state preschool program that is
21 appropriated by the Legislature for that purpose in any fiscal year:

22 (1) In an application for those expansion funds, an agency shall
23 furnish the Superintendent with an estimate of the number of
24 four-year-old and three-year-old children that it plans to serve in
25 the following fiscal year with those expansion funds. The agency
26 also shall furnish documentation that indicates the basis of those
27 estimates.

28 (2) In awarding contracts for expansion pursuant to this
29 subdivision, the Superintendent, after taking into account the
30 geographic criteria established pursuant to Section 8279.3, and the
31 headquarters preferences and eligibility criteria relating to fiscal
32 or programmatic noncompliance established pursuant to Section
33 8261, shall give priority to applicant agencies that, in expending
34 the expansion funds, will be serving the highest percentage of
35 four-year-old children.

36 (d) ~~Nothing in this section shall be deemed to~~ *This section does*
37 *not* preclude a local educational agency from subcontracting with
38 an appropriate public or private agency to operate a California
39 state preschool program and to apply for funds made available for
40 the purposes of this section. If a school district chooses not to

1 operate or subcontract for a California state preschool program,
2 the Superintendent shall work with the county office of education
3 and other eligible agencies to explore possible opportunities in
4 contracting or alternative subcontracting to provide a California
5 state preschool program.

6 (e) ~~Nothing in this section shall~~ *This section does not prevent*
7 eligible children who are currently receiving services from
8 continuing to receive those services in future years pursuant to this
9 chapter.

10 *SEC. 4. Section 8278.3 of the Education Code is amended to*
11 *read:*

12 8278.3. (a) (1) The Child Care Facilities Revolving Fund is
13 hereby established in the State Treasury to provide funding for the
14 renovation, repair, or improvement of an existing building to make
15 the building suitable for licensure for child care and development
16 services and for the purchase of new relocatable child care facilities
17 for lease to school districts and contracting agencies that provide
18 child care and development services, pursuant to this chapter. The
19 ~~Superintendent of Public Instruction~~ may transfer state funds
20 appropriated for child care facilities into this fund for allocation
21 to school districts and contracting agencies, as specified, for the
22 purchase, transportation, and installation of facilities for
23 replacement and expansion of capacity. School districts and
24 contracting agencies using facilities made available by the use of
25 these funds shall be charged a leasing fee, either at a fair market
26 value for those facilities or at an amount sufficient to amortize the
27 cost of purchase and relocation, whichever amount is lower, over
28 a 10-year period. Upon full repayment of the purchase and
29 relocation costs, title shall transfer from the State of California to
30 the school district or contracting agency. The ~~Superintendent of~~
31 ~~Public Instruction~~ shall deposit all revenue derived from the lease
32 payments into the Child Care Facilities Revolving Fund.

33 (2) Notwithstanding Section 13340 of the Government Code,
34 all moneys in the fund, including moneys deposited from lease
35 payments, are continuously appropriated, without regard to fiscal
36 years, to the ~~Superintendent of Public Instruction~~ for expenditure
37 pursuant to this article.

38 (b) On or before August 1 of each fiscal year, the Superintendent
39 ~~of Public Instruction~~ shall submit to the ~~Office of the Secretary~~
40 ~~for Education~~, the Department of Finance, and the Legislative

Analyst's Office a report detailing the number of funding requests received and their purpose, the types of agencies that received funding from the Child Care Facilities Revolving Fund, the increased capacity that these facilities generated, a description of the manner in which the facilities are being used, and a projection of the lease payments collected and the funds available for future use.

(c) A school district or county office of education that provides child care pursuant to the California School Age Families Education Program (Article 7.1 (commencing with Section 54740) of Chapter 9 of Part 29) *29 of Division 4 of Title 2*) is eligible to apply for and receive funding pursuant to this section.

SEC. 5. Section 8279.7 of the Education Code is amended to read:

8279.7. (a) The Legislature recognizes the importance of providing quality child care services. It is, therefore, the intent of the Legislature to assist counties in improving the retention of qualified child care employees who work directly with children who receive state-subsidized child care services.

(b) It is further the intent of the Legislature, in amending this section during the 2009–10 Regular Session, to address the unique challenges of the County of Los Angeles, in which an estimated 60,000 low-income children receive subsidized child care in nonstate-funded child care settings and an additional 50,000 eligible children are waiting for subsidized services.

(c) (1) Except as provided in paragraph (2), the funds appropriated for the purposes of this section by paragraph (11) of Schedule (b) of Item 6110-196-0001 of Section 2.00 of the Budget Act of 2000 (Ch. 52, Stats. 2000), and that are described in subdivision (i) of Provision 7 of that item, and any other funds appropriated for purposes of this section, shall be allocated to local child care and development planning councils based on the percentage of state-subsidized, center-based child care funds received in that county, and shall be used to address the retention of qualified child care employees in state-subsidized child care centers.

(2) Of the funds identified in paragraph (1), funds qualified pursuant to subparagraphs (A) to (C), inclusive, may also be used to address the retention of qualified persons working in licensed child care programs that serve a majority of children who receive

1 subsidized child care services pursuant to this chapter, including,
2 but not limited to, family day care homes as defined in Section
3 1596.78 of the Health and Safety Code. To qualify for use pursuant
4 to this paragraph, the funds shall meet all of the following
5 requirements:

6 (A) The funds are allocated for use in the County of Los
7 Angeles.

8 (B) The funds are appropriated in the annual Budget Act.

9 (C) The funds are unexpended after addressing the retention of
10 qualified child care employees in state-subsidized child care centers
11 and family child care home education networks.

12 (d) The department shall develop guidelines for use by local
13 child care and development planning councils in developing county
14 plans for the expenditure of funds allocated pursuant to this section.
15 These guidelines shall be consistent with the department's
16 assessment of the current needs of the subsidized child care
17 workforce, and shall be subject to the approval of ~~the Secretary~~
18 ~~for Education~~ and the Department of Finance. Any county plan
19 developed pursuant to these guidelines shall be approved by the
20 department prior to the allocation of funds to the local child care
21 and development planning council.

22 (e) Funds provided to a county for the purposes of this section
23 shall be used in accordance with the plan approved pursuant to
24 subdivision (d). A county with an approved plan may retain up to
25 1 percent of the county's total allocation made pursuant to this
26 section for reimbursement of administrative expenses associated
27 with the planning process.

28 (f) ~~The Superintendent of Public Instruction~~ shall provide an
29 annual report, no later than April 10 of each year, to the Legislature,
30 ~~the Secretary for Education~~, the Department of Finance, and the
31 Governor that includes, but is not limited to, a summary of the
32 distribution of the funds by county and a description of the use of
33 the funds.

34 *SEC. 6. Section 8286 of the Education Code is amended to*
35 *read:*

36 8286. (a) The Governor shall appoint an advisory committee
37 composed of one representative from the ~~State Board of Education~~
38 *state board*, one representative of private education, one
39 representative of child welfare, one representative of private health
40 care, two representatives of proprietary child care agencies, one

1 representative of a community action agency qualified under Title
2 II of the Economic Opportunity Act of 1969, two representatives
3 of family day care homes, one representative of a child care
4 provider exempt from licensure, five parents of children
5 participating in child care programs of whom at least three shall
6 be parents of children participating in publicly subsidized child
7 development programs, and one shall be a parent of a child
8 receiving care from a child care provider exempt from licensure,
9 appointed from names selected by a democratic process to assure
10 representation of the parents of children being served, four persons
11 representing professional or civic groups or public or nonprofit
12 private agencies, organizations or groups concerned with child
13 development, one person who administers a public school child
14 care program established pursuant to Article 22 (commencing with
15 Section 8460), one person who administers a county office of
16 education schoolage child care program established pursuant to
17 Article 22 (commencing with Section 8460), and one teacher
18 currently serving in a public school children's center.

19 The

20 (b) The advisory committee shall also shall include one
21 representative from the State Department of Education department
22 appointed by the Superintendent of Public Instruction, and one
23 representative each from the Employment Development
24 Department, the State Department of Social Services, the State
25 Department of Health Services, and the State Department of
26 Developmental Services, appointed by the respective director of
27 each department.

28 The

29 (c) The advisory committee shall assist the State Department
30 of Education department in developing a state plan for child
31 development programs pursuant to this chapter.

32 The

33 (d) The advisory committee shall provide ongoing coordination
34 and communication to local child care planning councils to
35 facilitate activities and provide technical assistance as needed.

36 The

37 (e) The advisory committee shall continually evaluate the
38 effectiveness of those programs and shall report thereon at each
39 regular session of the Legislature.

40 The

(f) The advisory committee shall assist in and coordinate the drafting of guidelines for local planning councils pursuant to Chapter-2.5 2.3 (commencing with Section 8499) of Part 6. The advisory committee shall request state and local agencies to submit suggested guidelines. The final guidelines shall be drafted and adopted by the committee, in consultation with local child care agencies, local planning councils, ~~the Secretary of Child Development and Education, the State Department of Education,~~ the department, and the State Department of Social Services. The guidelines shall include, but not be limited to, provisions for assessing child care supply, demand, cost, and facility needs, in terms of age, family income level, special needs, and multilingual and multicultural backgrounds. Guidelines developed for programs administered by the ~~State Department of Education~~ department shall be concurred in by the department.

SEC. 7. Section 8484.9 of the Education Code is amended to read:

8484.9. (a) There is hereby established in the department an Advisory Committee on Before and After School Programs for the purpose of providing information and advice to the Superintendent, ~~the Secretary for Education, and the State Board of Education~~ and the state board regarding state and federal policy and funding issues affecting before and after school programs, based on regular and systematic input from providers.

(b) The membership of the advisory committee shall consist of all of the following persons, the majority of whom shall be operators of before or after school programs:

(1) Six persons appointed by the Governor as follows:

(A) Two persons who operate an urban before or after school program.

(B) Two persons who operate a rural before or after school program.

(C) One person from a private foundation or a postsecondary academic institution.

(D) One person representing a unified school district.

(2) Two persons appointed by the Superintendent as follows:

(A) One person who operates a high school after school program.

(B) One person from a private foundation or a postsecondary academic institution.

1 (3) Two persons appointed by the Senate Committee on Rules
2 as follows:

3 (A) One person who operates a small elementary after school
4 program.

5 (B) One person who operates a large middle school after school
6 program.

7 (4) Two persons appointed by the Speaker of the Assembly as
8 follows:

9 (A) One person who operates a large elementary school after
10 school program.

11 (B) One person who operates a small middle school after school
12 program.

13 ~~(5) The Secretary for Education, or his or her designee.~~

14 (c) The advisory committee membership shall be representative
15 of the diversity of before and after school programs, regarding
16 geography, size, and public or nonpublic operation.

17 (d) The advisory committee members shall select one of its
18 members to be the chair of the committee. It is the responsibility
19 of the chair to act as the conduit between the advisory committee
20 and the Superintendent, the state board, and appropriate staff.

21 (e) The advisory committee shall nominate, and the state board
22 shall confirm, a staff member to serve as consultant to the advisory
23 committee.

24 (f) The advisory committee shall meet as frequently as necessary
25 but at least three times each year. The meetings of the committee
26 may be conducted by teleconference.

27 (g) The members of the advisory committee shall serve without
28 compensation, including for travel and per diem expenses.

29 (h) The advisory committee shall do all of the following:

30 (1) Provide information on the status of funding provided for
31 before and after school programs in each fiscal year, including the
32 number of applications received, the number of applications
33 funded, and the amount and timing of committed funding.

34 (2) Provide recommendations on legislative and administrative
35 action needed to ensure that funding for before and after school
36 programs is allocated promptly to qualified providers of before
37 and after school programs.

38 (3) Provide information on the quality of services and
39 accountability measures.

1 (4) Provide information regarding challenges faced by before
2 and after school programs that impede the provision of best
3 possible services.

4 (5) Make recommendations to the department on reporting
5 requirements for high school programs operating pursuant to
6 Section 8421 and for program evaluation and review pursuant to
7 Sections 8427 and 8484. The advisory committee shall provide
8 initial recommendations to the department, and shall provide a
9 copy to the Legislature, on or before March 1, 2007.

10 (6) Provide recommendations on the statewide evaluation design
11 and outcome measures.

12 *SEC. 8. Section 8802 of the Education Code is amended to*
13 *read:*

14 8802. For the purposes of this chapter, the following definitions
15 apply:

16 (a) “Consortium” means two or more local educational agencies.

17 (b) “Cooperating agency” means any federal, state, or local
18 public or private nonprofit agency that agrees to offer support
19 services at a schoolsite through a program implemented under this
20 chapter.

21 (c) “Council” means the Healthy Start Support Services for
22 Children Program Council.

23 (d) “Lead agency” means the ~~State Department of Education~~
24 *department*.

25 (e) “Local educational agency” means a school district or county
26 office of education.

27 (f) “Private partner” means a private business or foundation that
28 provides financial assistance or otherwise assists a support services
29 program operated under this chapter.

30 (g) “Qualifying school” means a school that is any of the
31 following:

32 (1) A school that maintains kindergarten or any of grades 1 to
33 6, inclusive, in which 50 percent or more of the enrolled pupils
34 either (A) are from families that receive benefits from the Aid to
35 Families with Dependent Children program or any successor
36 program, have limited English proficiency, as identified pursuant
37 to Section 52163, or both, or (B) are eligible to receive free or
38 reduced-price meals under Section 49552.

39 (2) A school that maintains any of grades 7 to 12, inclusive, in
40 which 35 percent or more of the enrolled pupils either (A) are from

1 families that receive benefits from the Aid to Families with
2 Dependent Children program or any successor program, have
3 limited English proficiency, as identified pursuant to Section
4 52163, or both, or (B) are eligible to receive free or reduced-price
5 meals under Section 49552.

6 (3) A school that does not satisfy the criteria in paragraph (1)
7 or (2) but that demonstrates other factors that warrant its
8 consideration, including, for example, exceptional need, potential
9 to serve as a model program, or service to a particular target
10 population. No more than 10 percent of the schools that participate
11 in the program established by this chapter may be schools that
12 qualify under this paragraph. A school that receives a grant under
13 this paragraph shall ensure that the following pupils in that school
14 are given priority to receive services provided with the grant
15 money: (A) are from families that receive benefits from the Aid
16 to Families with Dependent Children program or any successor
17 program, have limited English proficiency, as identified pursuant
18 to Section 52163, or both, or (B) are eligible to receive free or
19 reduced-price meals under Section 49552.

20 ~~(h) “Secretary” means the Secretary of Child Development and~~
21 ~~Education.~~

22 ~~(i)~~

23 (h) “Agency secretary” means the Secretary of the Health and
24 Welfare Agency.

25 ~~(j)~~

26 (i) “Superintendent” means the Superintendent of Public
27 Instruction.

28 ~~(k)~~

29 (j) “Support services” means services that will enhance the
30 physical, social, emotional, and intellectual development of
31 children and their families.

32 *SEC. 9. Section 8803 of the Education Code is amended to*
33 *read:*

34 8803. In order to encourage the integration of children’s
35 services, it is the intent of the Legislature to promote interagency
36 coordination and collaboration among the state agencies
37 responsible for the provision of support services to children and
38 their families.

39 Therefore, the Legislature hereby establishes the Healthy Start
40 Support Services for Children Program Council, as follows:

1 (a) Members of the council shall include the ~~superintendent~~
2 *Superintendent*, the agency secretary, ~~the secretary~~, and the
3 directors of the State Department of Health Services, the State
4 Department of Social Services, the State Department of Alcohol
5 and Drug Programs, and the State Department of Mental Health.

6 (b) Duties of the council shall include:

7 (1) Developing, promoting, and implementing policy supporting
8 the Healthy Start Support Services for Children Grant Program.

9 (2) Assisting the lead agency in reviewing grant applications
10 submitted to the lead agency and providing the lead agency with
11 recommendations for awarding grants pursuant to Section 8804.

12 (3) Soliciting input regarding program policy and direction from
13 individuals and entities with experience in the integration of
14 children's services.

15 (4) Assisting the lead agency in fulfilling its responsibilities
16 under this chapter.

17 (5) Providing recommendations to the Governor, the Legislature,
18 and the lead agency regarding the Healthy Start Support Services
19 for Children Grant Program.

20 (6) At the request of the ~~superintendent~~ *Superintendent*, assisting
21 the local educational agency or consortium in planning and
22 implementing this program, including assisting with local technical
23 assistance, and developing agency collaboration.

24 *SEC. 10. Section 8807 of the Education Code is amended to*
25 *read:*

26 8807. (a) The ~~State Department of Education~~ *department* is
27 required to implement this chapter only to the extent that funds
28 are apportioned for that purpose under the annual Budget Act, or
29 are made available to the department for the purposes of this
30 chapter from federal sources. It is the intent of the Legislature that
31 the ~~superintendent~~ *Superintendent*, in consultation with ~~the~~
32 ~~secretary~~ and the agency secretary, seek and utilize any federal
33 funds that may be made available for the purposes of this chapter.

34 (b) All money appropriated by the Legislature to the
35 ~~superintendent~~ *Superintendent* for purposes of the Healthy Start
36 Support Services for Children Act, shall be allocated by the
37 ~~superintendent~~ *Superintendent* to local educational agencies or
38 consortia that have been selected to participate in the grant
39 program. Any amount not allocated during a fiscal year may be
40 carried over to the subsequent fiscal year. In order to ensure that

1 those local educational agencies or consortia that receive planning
2 grants will be eligible to receive operational grants, a portion of
3 any funds appropriated during a fiscal year may be reserved for
4 allocation as operational grants in future fiscal years.

5 (c) Any funds that are not expended by a local educational
6 agency or consortium by the end of the three-year period of the
7 grant shall be returned to the state, except under the following
8 circumstances:

9 (1) A local educational agency or consortium that received an
10 operational grant in the 1992 calendar year may retain up to fifty
11 thousand dollars (\$50,000) of any amount not expended within
12 the three-year period of the grant.

13 (2) A local educational agency or consortium that received an
14 operational grant in the 1993 calendar year or any calendar year
15 thereafter, may retain up to twenty-five thousand dollars (\$25,000)
16 of any amount not expended within the three-year period of the
17 grant.

18 (3) The expenditure of any funds retained pursuant to paragraph
19 (1) or (2) shall be for a one-year period and shall be used
20 exclusively to continue the program operations consistent with the
21 original grant. Retention of funds pursuant to paragraph (1) or (2)
22 shall be contingent on approval by the department of an expenditure
23 plan submitted by the local educational agency or consortium.

24 (d) To the extent permitted by federal law, any funding made
25 available to a local educational agency or consortium shall be
26 subject to all of the following conditions:

27 (1) The program is open to children without regard to any child's
28 religious beliefs or any other factor related to religion.

29 (2) No religious instruction is included in the program.

30 (3) The space in which the program is operated is not used in
31 any manner to foster religion during the time used for operation
32 of the program.

33 *SEC. 11. Section 10601.5 of the Education Code is amended*
34 *to read:*

35 10601.5. (a) The department, in collaboration with the
36 Commission on Teacher Credentialing, shall contract for the
37 development of a teacher data system to be known as the California
38 Longitudinal Teacher Integrated Data Education System that is
39 based on the results of the teacher data system feasibility study
40 conducted pursuant to Item 6110-001-0890 of Section 2.00 of the

1 Budget Act of 2005 (Chapter 38 of the Statutes of 2005). The
2 purpose of the California Longitudinal Teacher Integrated Data
3 Education System is to streamline processes, improve the efficiency
4 of data collection by the department, the Commission on Teacher
5 Credentialing, and the Employment Development Department,
6 and improve the quality of data collected from local educational
7 agencies and teacher preparation programs. The California
8 Longitudinal Teacher Integrated Data Education System shall be
9 developed and implemented in accordance with all state rules and
10 regulations governing information technology projects.

11 (b) The California Longitudinal Teacher Integrated Data
12 Education System shall serve as the central state repository of
13 information regarding the teacher workforce in the state for
14 purposes of developing and reviewing state policy, identifying
15 workforce trends, and identifying future needs regarding the
16 teaching workforce. It ~~shall~~ also *shall* serve to provide high-quality
17 program evaluations, including evaluation of the effectiveness of
18 teacher preparation and induction, and to help improve professional
19 development programs. Additionally, it shall promote the efficient
20 monitoring of teacher assignments as required by state and federal
21 law.

22 (c) The California Longitudinal Teacher Integrated Data
23 Education System shall not include the names, social security
24 numbers, home addresses, telephone numbers, or e-mail addresses
25 of individual teachers.

26 (d) Data in the California Longitudinal Teacher Integrated Data
27 Education System shall not be used in violation of any federal or
28 state law that is intended to protect an individual's right to privacy
29 or the confidentiality of an individual's personal information.

30 (e) The system shall be used to accomplish all of the following
31 goals:

32 (1) Provide a means to evaluate all of the following:

33 (A) The effectiveness of teacher preparation programs,
34 including, but not limited to, traditional fifth-year programs,
35 university internship programs, and district-sponsored internship
36 programs.

37 (B) Teacher workforce issues, including mobility, retention,
38 and attrition.

1 (2) Streamline and improve the effectiveness and timeliness of
2 assignment monitoring as required by the federal No Child Left
3 Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and by state law.

4 (3) Enable local educational agencies to monitor teacher
5 assignments on demand.

6 (f) For purposes of implementing this chapter, including the
7 legislative intent expressed in subdivision (b) of Section 10600,
8 the system shall include all of the following information:

9 (1) Age profiles of teachers in the workforce.

10 (2) Projections of the number of retirees in the education system
11 over the next 10 years throughout the state.

12 (3) Identification of subject matter fields that have the severest
13 shortage of teachers.

14 (4) Geographic distribution of teachers by credential type.

15 (5) Present patterns of in-service education for teachers.

16 (g) The Commission on Teacher Credentialing and accredited
17 teacher preparation programs shall participate in the system by
18 providing available data regarding enrollment in credential
19 programs, credentials issued in each specialization, and certificated
20 persons in each specialty who are not employed in education, and
21 by collaborating with the department in the design and preparation
22 of periodic reports of teacher supply and demand in each specialty
23 and in each geographic region of the state.

24 (h) The California Longitudinal Teacher Integrated Data
25 Education System shall do all of the following:

26 (1) Utilize and maximize use of existing teacher databases.

27 (2) Maintain longitudinally linked data without including the
28 names of teachers.

29 (3) Comply with all state and federal confidentiality and privacy
30 laws.

31 (i) The Superintendent shall convene a working group to provide
32 advice and guidance on the development and implementation of
33 the system. The group shall include, but is not limited to,
34 representatives from the Commission on Teacher Credentialing,
35 the Department of Finance, ~~the Secretary for Education~~, the
36 Legislative Analyst's Office, the Employment Development
37 Department, and representatives of local educational agencies,
38 postsecondary educational institutions, researchers, teachers,
39 administrators, and parents.

(j) The operation of the California Longitudinal Teacher Integrated Data Education System is contingent upon the appropriation of funds for purposes of this section in the annual Budget Act or other legislation.

SEC. 12. Section 11800 of the Education Code is amended to read:

11800. (a) (1) The K-12 High-Speed Network (K-12 HSN) is hereby established for the purpose of enriching pupil educational experiences and improving pupil academic performance by providing high-speed, high-bandwidth Internet connectivity to the public school system, as defined by Section 6 of Article IX of the California Constitution.

(2) The California Education Network is hereby established, consisting of the California Research and Education Network (CalREN) and the K-12 HSN.

(b) The Superintendent shall measure the success of the K-12 HSN and ensure that the benefits of the K-12 HSN are maximized to the extent possible. The K-12 HSN shall provide critical services and functions for public primary and secondary local educational agencies, including, but not limited to, all of the following:

(1) Reliable and cost-effective Internet service.
(2) Reliable and secure interconnectivity among ~~K-12~~ *public school* entities *offering kindergarten or any of grades 1 to 12, inclusive*, in California, connection to higher education institutions of California, and connection to state and local agencies to facilitate efficient interaction, including transmission of data.

(3) Videoconferencing and related distance learning capabilities.

(4) Statewide coordination of network uses to benefit teaching and learning.

(c) The Superintendent shall use a competitive grant process to select a local educational agency to serve as the Lead Education Agency to administer the K-12 HSN on behalf of the Superintendent.

(d) The Superintendent shall establish a K-12 HSN advisory board to be composed of all of the following members:

(1) The Superintendent, or his or her designee.
(2) The county superintendent of schools of the Lead Education Agency.

(3) A county superintendent of schools of a county with an average daily attendance of more than 60,000 pupils, appointed

1 by the Superintendent. The member appointed pursuant to this
2 paragraph shall serve a renewable two-year term.

3 (4) Three school district superintendents, appointed by the
4 Superintendent. Members appointed pursuant to this paragraph
5 shall represent school districts that are diverse as to geography and
6 size, and that serve socioeconomically and culturally diverse pupil
7 populations. Members appointed pursuant to this paragraph shall
8 serve renewable two-year terms.

9 (5) Two county superintendents of schools appointed by the
10 majority of the votes of all of the county superintendents of schools.
11 Members appointed pursuant to this paragraph shall serve
12 renewable two-year terms.

13 (6) Three schoolsite representatives, which shall include not
14 less than two classroom teachers or instructional specialists.

15 ~~(7) The Secretary for Education, or his or her designee.~~

16 (e) The advisory board shall meet quarterly and shall recommend
17 policy direction and broad operational guidance to the
18 Superintendent and the Lead Education Agency. The advisory
19 board, in consultation with the Lead Education Agency, shall
20 develop recommendations for measuring the success of the
21 network, improving network oversight and monitoring,
22 strengthening accountability, and optimizing the use of the K-12
23 HSN and its ability to improve education. The advisory board shall
24 report its recommendations to the Legislature, the Governor, the
25 Department of Finance, *and* the Legislative Analyst's Office, ~~and~~
26 ~~the Office of the Secretary for Education~~ by March 1, 2007. It is
27 the intent of the Legislature that the report identify and recommend
28 specific annual performance measures that should be established
29 to assess the effectiveness of the network.

30 (f) The duties of the Lead Education Agency shall include all
31 of the following:

32 (1) Entering into appropriate contracts for the provision of
33 high-speed, high-bandwidth Internet connectivity, provided such
34 contracts secure the necessary terms and conditions to adequately
35 protect the interests of the state. Terms and conditions shall include,
36 but are not limited to, all of the following:

37 (A) Development of comprehensive service level agreements.

38 (B) Protection of any ownership rights of intellectual property
39 of the state that result due to participation of the state in the K-12
40 HSN.

1 (C) Appropriate protection of assets of the state acquired due
2 to its participation in the K-12 HSN.

3 (D) Assurance that appropriate fee structures are in place.

4 (E) Assurance that any interest earned on funds of the state for
5 this purpose are used solely to the benefit of the project.

6 (2) Development of an annual budget request for the K-12 HSN
7 for submission to the department and the Department of Finance
8 to be included in the annual Budget Act.

9 (3) Development, in consultation with the advisory board
10 established pursuant to subdivision (d), of specific goals and
11 objectives for the program with appropriate reporting of success
12 measures developed by the Superintendent pursuant to subdivision
13 (b).

14 (4) Ongoing fiscal oversight of the program, including
15 mechanisms to control statewide costs and exposure. To
16 accomplish this objective, the Lead Education Agency shall
17 contract for an annual independent audit of the program. The
18 independent auditor shall report the audit findings to the
19 Superintendent, the Legislature, and the Governor by December
20 15 of each year.

21 (5) Ongoing technical oversight of the program, including
22 external evaluation and independent validation, where appropriate.
23 To accomplish this objective, the Lead Education Agency shall
24 contract for an independent evaluation to be completed and
25 provided to the Superintendent by March 1, 2009. The
26 Superintendent shall report the results of the evaluation, including
27 a response and recommendations to correct any adverse findings
28 from the evaluation, to the Governor and the Legislature by April
29 30, 2009.

30 (6) (A) The Lead Education Agency shall administer grant
31 programs to promote the most cost-effective manner for the
32 completion of connectivity for all public schools of the state and
33 cost-effective applications that meet instructional needs to the
34 extent that funds are provided for these purposes in the annual
35 Budget Act.

36 (B) ~~Prior to~~ *Before* the appropriation of any state funds for the
37 purposes of this paragraph, the Lead Education Agency shall
38 submit information justifying the need for additional grant funds,
39 including, but not limited to, all of the following:

1 (i) The number of schools and school districts that are already
2 connected.

3 (ii) The means by which the costs associated with connectivity
4 were covered for schools and school districts that are already
5 connected.

6 (iii) Obstacles to connection for those schools and school
7 districts that are not yet connected.

8 (iv) Other local options and funding sources for purposes of
9 connectivity and applications.

10 *SEC. 13. Section 17250.40 of the Education Code is amended*
11 *to read:*

12 17250.40. The Superintendent of ~~Public Instruction~~ shall, in
13 consultation with ~~the Secretary for Education~~, the Department of
14 General Services, the Energy Resources, Conservation and
15 Development Commission, Seismic Safety Commission, school
16 district representatives, and industry representatives, *shall* develop
17 guidelines for design-build projects. The guidelines shall be
18 developed within six months of the operative date of this chapter.

19 **SECTION 1.**

20 *SEC. 14. Article 3.8 (commencing with Section 32239.5) of*
21 *Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code*
22 *is repealed.*

23 *SEC. 15. Section 33126.2 of the Education Code is repealed.*

24 ~~33126.2. (a) The Secretary for Education, as part of the study~~
25 ~~conducted pursuant to Provision 2 of Item 0650-011-0001 of~~
26 ~~Section 2.00 of the Budget Act of 2000, shall review the data~~
27 ~~elements provided by school districts via their school accountability~~
28 ~~report cards to determine to what extent these data elements may~~
29 ~~be incorporated into the Academic Performance Index, as~~
30 ~~established by Section 52052. This review may include, but is not~~
31 ~~limited to, the number of computers per pupil, quality and capacity~~
32 ~~of technology in the classroom, postsecondary matriculation data,~~
33 ~~and disaggregation of required data elements by subgroups. The~~
34 ~~Superintendent of Public Instruction may also recommend~~
35 ~~additional data elements for inclusion in the Academic Performance~~
36 ~~Index. Data elements may be incorporated in the Academic~~
37 ~~Performance Index only after those elements have been determined~~
38 ~~by the State Board of Education to be valid and reliable for the~~
39 ~~purpose of measuring school performance, and only if their~~
40 ~~inclusion would not be likely to result in a valid claim against the~~

1 ~~state for reimbursement pursuant to Section 6 of Article XIII B of~~
2 ~~the California Constitution.~~

3 ~~(b) The Superintendent of Public Instruction shall additionally~~
4 ~~review, and the State Board of Education shall consider, any~~
5 ~~empirical research data that becomes available concerning barriers~~
6 ~~to equal opportunities to succeed educationally for all California~~
7 ~~pupils, regardless of socioeconomic background. Upon obtaining~~
8 ~~this information, the board shall evaluate whether there is any need~~
9 ~~to revise the school accountability report card.~~

10 *SEC. 16. Section 40081 of the Education Code is amended to*
11 *read:*

12 40081. (a) The department shall develop or approve courses
13 for training school pupil activity bus (SPAB), transit bus,
14 schoolbus, and farm labor vehicle drivers that will provide them
15 with the skills and knowledge necessary to prepare them for
16 certification pursuant to Sections 12517, 12519, and 12804.6 of
17 the Vehicle Code. The department shall seek the advice and
18 assistance of the Department of Motor Vehicles and the Department
19 of the California Highway Patrol in developing or approving those
20 courses.

21 (b) The department shall train or approve the necessary
22 instructional personnel to conduct the driver training courses. For
23 all schoolbus and school pupil activity bus (SPAB) driver instructor
24 training, the department shall provide for and approve the course
25 outline and lesson plans used in the course. For transit bus and
26 farm labor vehicle driver training, the department shall approve
27 the course outline and lesson plans used in the course.

28 (c) All courses of study and training activities required by this
29 article shall be approved by the department and given by, or in the
30 presence of, an instructor in possession of a valid school pupil
31 activity bus (SPAB), transit bus, schoolbus, or farm labor vehicle
32 driver instructor certificate of the appropriate class.

33 (d) As an alternative to subdivisions (a), (b), and (c), instructors
34 who have received a certificate from the Transportation Safety
35 Institute of the United States Department of Transportation
36 indicating that they have completed the Mass Transit Instructor
37 Orientation and Training (Train-the-Trainer) course may approve
38 courses of instruction and train transit bus drivers in order to meet
39 the requirements for certification pursuant to Section 12804.6 of
40 the Vehicle Code.

~~(e) On or before January 1, 2010, the department, in consultation with the Department of Motor Vehicles and the Department of the California Highway Patrol, shall review and, if necessary, revise its training courses and requirements for drivers of vehicles described in subdivision (k) of Section 545 of the Vehicle Code. The review shall address the course content and the minimum number of hours required for classroom instruction and behind-the-wheel training in order to ensure that drivers of those vehicles are trained in a manner that is appropriate for the type of vehicle they will be driving to transport pupils in a safe manner.~~

SEC. 17. Section 41327.1 of the Education Code is amended to read:

41327.1. (a) ~~The State Board of Education~~ *state board* shall adopt and may periodically update by regulation a comprehensive list of professional and legal standards that all districts are encouraged to use as a guide to conduct a good educational program and fiscal and management practices that shall be used as the basis of evaluating the improvement of qualifying districts pursuant to this article. These standards shall, at a minimum, address all of the following areas:

- (1) Financial management.
- (2) Pupil achievement.
- (3) Personnel management.
- (4) Facilities management.
- (5) Community relations.

(b) If an administrator is appointed pursuant to Section 41326, the County Office Fiscal Crisis and Management Assistance Team established pursuant to Section 42127.8 shall conduct comprehensive assessments in the five areas specified in subdivision (a).

(c) After the assessments specified in subdivision (b) are completed, the Superintendent, in consultation with the County Office Fiscal Crisis and Management Assistance Team and the county superintendent of schools, shall determine, based upon the district's particular needs and circumstances, the level of improvement needed in the standards adopted pursuant to subdivision (a) before local authority will be returned pursuant to subdivision (f) of Section 41326. Based upon this determination, the County Office Fiscal Crisis and Management Assistance Team shall complete improvement plans in the five areas specified in

subdivision (a) that focus on the agreed upon standards, and that are consistent with the financial improvement plan.

(d) Beginning six months after an emergency loan is approved, and every six months thereafter until local authority is returned pursuant to subdivision (f) of Section 41326, the County Office Fiscal Crisis and Management Assistance Team shall file a written status report with the appropriate fiscal and policy committees of the Legislature, the Members of the Legislature that represent the qualifying district, any advisory council of the school district, the Superintendent, the county superintendent of schools, *and* the Director of Finance, ~~and the Secretary for Education~~. The reports shall indicate the progress that the district is making in meeting the recommendations of the improvement plans developed pursuant to this section.

(e) If the County Office Fiscal Crisis and Management Assistance Team indicates in writing that it has insufficient resources to complete the comprehensive assessments, improvement plans, and progress reports required pursuant to this section, the department shall request proposals to complete these tasks, and subject to the approval of the Department of Finance, select an entity to complete the tasks assigned to the County Office Fiscal Crisis and Management Assistance Team pursuant to this section.

SEC. 18. Section 41327.2 of the Education Code is amended to read:

41327.2. (a) The appointment of an administrator pursuant to Section 41326 does not remove any statutory rights, duties, or obligations from the county superintendent of schools. The county superintendent of schools retains the responsibility to superintend school districts under his or her jurisdiction.

(b) The county superintendent of schools shall submit reports to the Superintendent, the appropriate fiscal and policy committees of the Legislature, *and* the Director of Finance, ~~and the Secretary for Education~~ subsequent to review by the county superintendent of schools of the district's budget and interim reports in accordance with subdivisions (d) and (g) of, and paragraph (3) of subdivision (i) of, Section 42127, and paragraph (2) of subdivision (a) of, and subdivision (e) of, Section 42131. These reports shall document the fiscal and administrative status of the qualifying district, particularly in regard to the implementation of fiscal and

1 management recovery plans. Each report shall also include a
2 determination of whether the revenue streams to the district appear
3 to be consistent with its expenditure plan, according to the most
4 recent data available at the time of the report. These reports are
5 required until six months after all rights, duties, and powers are
6 returned to the school district pursuant to this article.

7 *SEC. 19. Section 41329.59 of the Education Code is repealed.*

8 ~~41329.59. (a) On or before October 30, 2006, the Fiscal Crisis~~
9 ~~and Management Assistance Team (FCMAT) shall conduct an~~
10 ~~extraordinary audit of the Compton Community College District,~~
11 ~~to be delivered to the Board of Governors of the California~~
12 ~~Community Colleges and the Director of Finance, focused upon~~
13 ~~an examination of alleged fraud, misappropriation of funds, or~~
14 ~~other illegal fiscal practices. The audit shall be conducted in a~~
15 ~~timely and efficient manner.~~

16 ~~(b) On or before January 31, 2007, the FCMAT shall conduct~~
17 ~~a comprehensive assessment and prepare a recovery plan, to be~~
18 ~~delivered to the Board of Governors of the California Community~~
19 ~~Colleges and the Department of Finance, for the Compton~~
20 ~~Community College District addressing the five operational areas:~~
21 ~~financial management, academic achievement, personnel~~
22 ~~management, facilities management, and governance/community~~
23 ~~relations.~~

24 ~~(c) The FCMAT shall file a written status report at regular~~
25 ~~intervals with the appropriate fiscal and policy committees of the~~
26 ~~Legislature, the advisory committee to the special trustee, the~~
27 ~~Board of Governors of the California Community Colleges, the~~
28 ~~Director of Finance, and the Secretary for Education. The status~~
29 ~~reports shall include the progress that the Compton Community~~
30 ~~College District is making in meeting the recommendations of the~~
31 ~~FCMAT comprehensive assessment and addressing the deficiencies~~
32 ~~identified by the Accrediting Commission for Community and~~
33 ~~Junior Colleges.~~

34 ~~(d) Notwithstanding any other provision of law, an amount of~~
35 ~~up to five hundred thousand dollars (\$500,000) shall be provided~~
36 ~~to the Compton Community College District from any funds~~
37 ~~budgeted for FCMAT in Item 6110-107-0001 of Section 2.00 of~~
38 ~~the annual Budget Act or any other funds available from prior~~
39 ~~budget years for FCMAT for the purpose of funding the audit~~
40 ~~described in subdivision (a) of this section.~~

1 *SEC. 20. Section 42127.8 of the Education Code is amended*
2 *to read:*

3 42127.8. (a) The governing board provided for in subdivision
4 (b) shall establish a unit to be known as the County Office Fiscal
5 Crisis and Management Assistance Team. The team shall consist
6 of persons having extensive experience in school district budgeting,
7 accounting, data processing, telecommunications, risk management,
8 food services, pupil transportation, purchasing and warehousing,
9 facilities maintenance and operation, and personnel administration,
10 organization, and staffing. The Superintendent may appoint one
11 employee of the department to serve on the unit. The unit shall be
12 operated under the immediate direction of an appropriate county
13 office of education selected ~~jointly~~, in response to an application
14 process, by the Superintendent ~~and the Secretary for Education~~.

15 (b) The unit established under subdivision (a) shall be selected
16 and governed by a 25-member governing board consisting of one
17 representative chosen by the California County Superintendents
18 Educational Services Association from each of the 11 county
19 service regions designated by the association, 11 superintendents
20 of school districts chosen by the Association of California School
21 Administrators from each of the 11 county service regions, one
22 representative from the ~~State Department of Education~~ *department*
23 chosen by the Superintendent of ~~Public Instruction~~, the Chancellor
24 of the California Community Colleges or his or her designee, and
25 one member of a community college district governing board
26 chosen by the chancellor. The governing board of the County
27 Office Fiscal Crisis and Management Assistance Team shall select
28 a county superintendent of schools to chair the unit.

29 (c) (1) The Superintendent may request the unit to provide the
30 assistance described in subdivision (b) of Section 1624, Section
31 1630, ~~Section 33132~~, subdivision (b) of Section 42127.3,
32 subdivision (c) of Section 42127.6, Section 42127.9, and
33 subdivision (a) of Section 42238.2, and to review the fiscal and
34 administrative condition of any county office of education, school
35 district, or charter school.

36 (2) A county superintendent of schools may request the unit to
37 review the fiscal or administrative condition of a school district
38 or charter school under his or her jurisdiction.

1 (3) The Board of Governors of the California Community
2 Colleges may request the unit to provide the assistance described
3 in Section 84041.

4 (d) In addition to the functions described in subdivision (c), the
5 unit shall do all of the following:

6 (1) Provide fiscal management assistance, at the request of any
7 school district, charter school, or county office of education, or,
8 pursuant to subdivision (g) of Section 84041, at the request of any
9 community college district. Each school district, charter school,
10 or county office of education receiving that assistance shall be
11 required to pay the onsite personnel costs and travel costs incurred
12 by the unit for that purpose, pursuant to rates determined by the
13 governing board established under subdivision (b). The governing
14 board annually shall distribute rate information to each school
15 district, charter school, and county office of education.

16 (2) Facilitate training for members of the governing board of
17 the school district, district and county superintendents, chief
18 financial officers within the district, and schoolsite personnel whose
19 primary responsibility is to address fiscal issues. Training services
20 shall emphasize efforts to improve fiscal accountability and expand
21 the fiscal competency of local agencies. The unit shall use state
22 professional associations, private organizations, and public agencies
23 to provide guidance, support, and the delivery of any training
24 services.

25 (3) Facilitate fiscal management training through the 11 county
26 service regions to county office of education staff to ensure that
27 they develop the technical skills necessary to perform their
28 fiduciary duties. The governing board established pursuant to
29 subdivision (b) shall determine the extent of the training that is
30 necessary to comply with this paragraph.

31 (4) Produce a training calendar, to be disseminated semiannually
32 to each county service region, that publicizes all of the fiscal
33 training services that are being offered at the local, regional, and
34 state levels.

35 (e) The governing board shall reserve not less than 25 percent,
36 nor more than 50 percent, of its revenues each year for expenditure
37 for the costs of contracts and professional services as management
38 assistance to school districts or county superintendents of schools
39 in which the board determines that a fiscal emergency exists.

1 (f) The governing board established under subdivision (b) may
2 levy an annual assessment against each county office of education
3 that elects to participate under this section in an amount not to
4 exceed twenty cents (\$0.20) per unit of total average daily
5 attendance for all school districts within the county. The revenues
6 collected pursuant to that assessment shall be applied to the
7 expenses of the unit.

8 (g) The governing board established under subdivision (b) may
9 pay to the department, from any available funds, a reasonable
10 amount to reimburse the department for actual administrative
11 expenses incurred in the review of the budgets and fiscal conditions
12 of school districts, charter schools, and county superintendents of
13 schools.

14 (h) When employed as a fiscal adviser by the department
15 pursuant to Section 1630, employees of the unit established
16 pursuant to subdivision (a) shall be considered employees of the
17 department for purposes of errors and omissions liability insurance.

18 (i) (1) The unit shall request and review applications to establish
19 regional teams of education finance experts throughout the state.

20 (2) To the extent that funding is provided for purposes of this
21 subdivision in the annual Budget Act or through another
22 appropriation, regional teams selected by the Superintendent, in
23 consultation with the unit, shall provide training and technical
24 expertise to school districts, charter schools, and county offices of
25 education facing fiscal difficulties.

26 (3) The regional teams shall follow the standards and guidelines
27 of and remain under the general supervision of the governing board
28 established under subdivision (b).

29 (4) It is the intent of the Legislature that, to the extent possible,
30 the regional teams be distributed geographically throughout the
31 various regions of the state in order to provide timely, cost-effective
32 expertise to school districts, charter schools, county offices of
33 education, and community college districts throughout the state.

34 *SEC. 21. Section 44265.2 of the Education Code, as added by*
35 *Section 2 of Chapter 233 of the Statutes of 2008, is amended to*
36 *read:*

37 44265.2. (a) The commission shall convene a workgroup of
38 interested parties including, but not limited to, representatives of
39 the California State University, the University of California, private
40 postsecondary institutions of higher education, local educational

1 agencies, and organizations that represent public school educators,
2 for the purpose of providing guidance to programs in determining
3 the comparability of coursework or field experience completed in
4 other commission-accredited programs to special education
5 programs.

6 (b) The commission shall report the workgroup's findings to
7 the Legislature; ~~and the Governor, and the Secretary for Education~~
8 on or before December 1, 2009.

9 *SEC. 22. Section 44280 of the Education Code is amended to*
10 *read:*

11 44280. The adequacy of subject matter preparation and the
12 basis for assignment of certified personnel shall be determined by
13 the successful passage of a subject matter examination as certified
14 by the commission, except as specifically waived as set forth in
15 Article 6 (commencing with Section 44310) ~~of this chapter~~. For
16 the purpose of determining the adequacy of subject matter
17 knowledge of languages for which there are no adequate
18 examinations, the commission may establish guidelines for
19 accepting alternative assessments performed by organizations that
20 are expert in the language and culture assessed. The commission
21 shall submit an expenditure plan for the development of a subject
22 matter examination in the Filipino language to the Department of
23 Finance no later than January 8, 2006. Upon approval of the
24 expenditure plan by the Department of Finance ~~and the Secretary~~
25 ~~for Education~~, and subject to an appropriation in the Budget Act
26 of 2006 for this purpose, the commission shall contract with
27 another entity for that entity to develop, for certification by the
28 commission, a subject matter examination in the Filipino language,
29 to be administered no later than September 1, 2008.

30 *SEC. 23. Section 48005.45 of the Education Code is amended*
31 *to read:*

32 48005.45. (a) ~~The Superintendent of Public Instruction shall,~~
33 ~~by June 1, 2007, shall~~ contract for an independent longitudinal
34 evaluation regarding the effects of the change in the entry age for
35 kindergarten and first grade pursuant to this article. In selecting
36 the independent evaluator, awarding the contract pursuant to this
37 section, and in monitoring performance under the contract, the
38 ~~Superintendent of Public Instruction~~ shall consult with the advisory
39 panel convened pursuant to subdivision (b) of Section 48005.13.

1 (b) The evaluation shall be based upon samples of sufficient
2 size and diversity to allow results to be reported separately for
3 pupils of different ethnicity, socioeconomic status, and primary
4 language, and results of the evaluation shall be so reported.

5 (c) The primary purpose of the evaluation is to determine
6 whether this entry age change results in improved readiness for
7 school and an improvement in academic achievement among
8 participating children.

9 (d) The evaluation shall use representative sampling to identify
10 the change's effects on all of the following:

11 (1) Academic achievement, as measured by standardized tests,
12 as compared with pupils not participating in the program.

13 (2) Behavioral problems, as measured by objective data
14 including, but not limited to, suspension and expulsion rates, as
15 compared with pupils not participating in the program.

16 (3) Academic problems, as measured by referrals to special
17 education and remedial programs, as compared with pupils not
18 participating in the program.

19 (4) Age of kindergarten entry and previous educationally based
20 preschool experience, including, but not limited to, access to child
21 care and preschool by parents or guardians.

22 (5) Overall retention rates in kindergarten and in subsequent
23 grades.

24 (6) Participation in remedial, supplemental, or summer school
25 programs.

26 (7) Class size.

27 (8) Number of pupils participating in kindergarten.

28 (9) Number of pupils participating in the kindergarten readiness
29 programs.

30 (10) Differences, if any, between programs with full preschool
31 participation, and those with partial or no preschool.

32 (11) Child care difficulties caused by the admission age change.

33 (12) Demographic breakdown of participants and
34 nonparticipants, including, but not limited to, socioeconomic and
35 ethnic demographics.

36 (13) Facilities difficulties, if any, encountered by participating
37 school districts.

38 (14) The ability of parents to gain access to the program,
39 disaggregated by ethnic, primary language, and socioeconomic
40 status.

(e) It is the intent of the Legislature that funding for this evaluation be included in the Budget Act or a bill related to the Budget Act. It is the intent of the Legislature to subsequently increase the number of hours funded for the kindergarten readiness program if the reports pursuant to this section indicate that the increase would be beneficial.

(f) (1) The independent evaluator shall report to the Legislature, the Governor, the Superintendent of Public Instruction, the State Board of Education, and the Secretary for Education, and the state board.

(2) The initial report shall be filed by June 1, 2009. The interim report shall be filed by January 1, 2011. The final report shall be filed by January 1, 2012.

SEC. 24. Section 49701 of the Education Code is amended to read:

49701. The provisions of the Interstate Compact on Educational Opportunity for Military Children are as follows:

Article I. Purpose

It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

(A) Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district(s) or variations in entrance/age requirements.

(B) Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment.

(C) Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities.

(D) Facilitating the on-time graduation of children of military families.

(E) Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact.

1 (F) Providing for the uniform collection and sharing of
2 information between and among member states, schools, and
3 military families under this compact.

4 (G) Promoting coordination between this compact and other
5 compacts affecting military children.

6 (H) Promoting flexibility and cooperation between the
7 educational system, parents and the student in order to achieve
8 educational success for the student.

9
10 Article II. Definitions
11

12 As used in this compact, unless the context clearly requires a
13 different construction:

14 (A) “Active duty” means: full-time duty status in the active
15 uniformed service of the United States, including members of the
16 National Guard and Reserve on active duty orders pursuant to 10
17 U.S.C. Sections 1209 and 1211.

18 (B) “Children of military families” means: a school-aged child
19 or children, enrolled in Kindergarten through Twelfth (12th) grade,
20 in the household of an active duty member.

21 (C) “Compact commissioner” means: the voting representative
22 of each compacting state appointed pursuant to Article VIII of this
23 compact.

24 (D) “Deployment” means: the period one (1) month prior to the
25 service members’ departure from their home station on military
26 orders though six (6) months after return to their home station.

27 (E) “Educational records” means: those official records, files,
28 and data directly related to a student and maintained by the school
29 or local education agency, including, but not limited to, records
30 encompassing all the material kept in the student’s cumulative
31 folder such as general identifying data, records of attendance and
32 of academic work completed, records of achievement and results
33 of evaluative tests, health data, disciplinary status, test protocols,
34 and individualized education programs.

35 (F) “Extracurricular activities” means: a voluntary activity
36 sponsored by the school or local education agency or an
37 organization sanctioned by the local education agency.
38 Extracurricular activities include, but are not limited to, preparation
39 for and involvement in public performances, contests, athletic
40 competitions, demonstrations, displays, and club activities.

1 (G) “Interstate Commission on Educational Opportunity for
2 Military Children” means: the commission that is created under
3 Article IX of this compact, which is generally referred to as
4 Interstate Commission.

5 (H) “Local education agency” means: a public authority legally
6 constituted by the state as an administrative agency to provide
7 control of and direction for Kindergarten through Twelfth (12th)
8 grade public educational institutions.

9 (I) “Member state” means: a state that has enacted this compact.

10 (J) “Military installation” means: a base, camp, post, station,
11 yard, center, homeport facility for any ship, or other activity under
12 the jurisdiction of the Department of Defense, including any leased
13 facility, which is located within any of the several states, the
14 District of Columbia, the Commonwealth of Puerto Rico, the U.S.
15 Virgin Islands, Guam, American Samoa, the Northern Marianas
16 Islands, and any other U.S. Territory. Such term does not include
17 any facility used primarily for civil works, rivers and harbors
18 projects, or flood control projects.

19 (K) “Non-member state” means: a state that has not enacted
20 this compact.

21 (L) “Receiving state” means: the state to which a child of a
22 military family is sent, brought, or caused to be sent or brought.

23 (M) “Rule” means: a written statement by the Interstate
24 Commission promulgated pursuant to Article XII of this compact
25 that is of general applicability, implements, interprets, or prescribes
26 a policy or provision of the Compact, or an organizational,
27 procedural, or practice requirement of the Interstate Commission,
28 and has the force and effect of statutory law in a member state,
29 and includes the amendment, repeal, or suspension of an existing
30 rule.

31 (N) “Sending state” means: the state from which a child of a
32 military family is sent, brought, or caused to be sent or brought.

33 (O) “State” means: a state of the United States, the District of
34 Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin
35 Islands, Guam, American Samoa, the Northern Marianas Islands,
36 and any other U.S. Territory.

37 (P) “Student” means: the child of a military family for whom
38 the local education agency receives public funding and who is
39 formally enrolled in Kindergarten through Twelfth (12th) grade.

1 (Q) “Transition” means: 1) the formal and physical process of
2 transferring from school to school or 2) the period of time in which
3 a student moves from one school in the sending state to another
4 school in the receiving state.

5 (R) “Uniformed service(s)” means: the U.S. Army, Navy, Air
6 Force, Marine Corps, or Coast Guard, as well as the Commissioned
7 Corps of the National Oceanic and Atmospheric Administration
8 and the U.S. Public Health Services.

9 (S) “Veteran” means: a person who served in the uniformed
10 services and who was discharged or released therefrom under
11 conditions other than dishonorable.

12
13 Article III. Applicability
14

15 (A) Except as otherwise provided in Section B, this compact
16 shall apply to the children of:

17 (1) Active duty members of the uniformed services as defined
18 in this compact, including members of the National Guard and
19 Military Reserve on active duty orders pursuant to 10 U.S.C.
20 Sections 1209 and 1211;

21 (2) Members or veterans of the uniformed services who are
22 severely injured and medically discharged or retired for a period
23 of one (1) year after medical discharge or retirement; and

24 (3) Members of the uniformed services who die on active duty
25 or as a result of injuries sustained on active duty for a period of
26 one (1) year after death.

27 (B) The provisions of this interstate compact shall only apply
28 to local education agencies as defined in this compact.

29 (C) The provisions of this compact shall not apply to the children
30 of:

31 (1) Inactive members of the National Guard and Military
32 Reserve;

33 (2) Members of the uniformed services now retired, except as
34 provided in Section A;

35 (3) Veterans of the uniformed services, except as provided in
36 Section A; and

37 (4) Other U.S. Dept. of Defense personnel and other federal
38 agency civilian and contract employees not defined as active duty
39 members of the uniformed services.
40

1 Article IV. Educational Records and Enrollment

2
3 (A) Unofficial or “hand-carried” education records – In the
4 event that official education records cannot be released to the
5 parents for the purpose of transfer, the custodian of the records in
6 the sending state shall prepare and furnish to the parent a complete
7 set of unofficial educational records containing uniform
8 information as determined by the Interstate Commission to the
9 extent feasible. Upon receipt of the unofficial education records
10 by a school in the receiving state, the school shall enroll and
11 appropriately place the student based on the information provided
12 in the unofficial records pending validation by the official records,
13 as quickly as possible.

14 (B) Official education records/transcripts – Simultaneous with
15 the enrollment and conditional placement of the student, the school
16 in the receiving state shall request the student’s official education
17 record from the school in the sending state. Upon receipt of this
18 request, the school in the sending state will process and furnish
19 the official education records to the school in the receiving state
20 within ten (10) days or within such time as is reasonably
21 determined under the rules promulgated by the Interstate
22 Commission to the extent practicable in each case.

23 (C) Immunizations – Compacting states shall give thirty (30)
24 days from the date of enrollment or within such time as is
25 reasonably determined under the rules promulgated by the Interstate
26 Commission, for students to obtain any immunization(s) required
27 by the receiving state. For a series of immunizations, initial
28 vaccinations must be obtained within thirty (30) days or within
29 such time as is reasonably determined under the rules promulgated
30 by the Interstate Commission.

31 (D) Kindergarten and First (1st) grade entrance age – Students
32 shall be allowed to continue their enrollment at grade level in the
33 receiving state commensurate with their grade level (including
34 Kindergarten) from a local education agency in the sending state
35 at the time of transition, regardless of age. A student that has
36 satisfactorily completed the prerequisite grade level in the local
37 education agency in the sending state shall be eligible for
38 enrollment in the next highest grade level in the receiving state,
39 regardless of age. A student transferring after the start of the school
40 year in the receiving state shall enter the school in the receiving

1 state on his or her validated level from an accredited school in the
2 sending state.

3
4 Article V. Placement and Attendance
5

6 (A) Course placement – When the student transfers before or
7 during the school year, the receiving state school shall initially
8 honor placement of the student in educational courses based on
9 the student’s enrollment in the sending state school and/or
10 educational assessments conducted at the school in the sending
11 state if the courses are offered and there is space available, as
12 determined by the school district. Course placement includes, but
13 is not limited to, Honors, International Baccalaureate, Advanced
14 Placement, vocational, technical and career pathways courses.
15 Continuing the student’s academic program from the previous
16 school and promoting placement in academically and career
17 challenging courses should be paramount when considering
18 placement. This does not preclude the school in the receiving state
19 from performing subsequent evaluations to ensure appropriate
20 placement and continued enrollment of the student in the course(s).

21 (B) Educational program placement – The receiving state school
22 shall initially honor placement of the student in educational
23 programs based on current educational assessments conducted at
24 the school in the sending state or participation/placement in like
25 programs in the sending state, provided that the program exists in
26 the school and there is space available, as determined by the school
27 district. Such programs include, but are not limited to: 1) gifted
28 and talented programs; and 2) English as a second language (ESL).
29 This does not preclude the school in the receiving state from
30 performing subsequent evaluations to ensure appropriate placement
31 of the student.

32 (C) Special education services – 1) In compliance with the
33 federal requirements of the Individuals with Disabilities Education
34 Act (IDEA), 20 U.S.C.A. Section 1400 et seq., the receiving state
35 shall initially provide comparable services to a student with
36 disabilities based on his/her current Individualized Education
37 Program (IEP); and 2) In compliance with the requirements of
38 Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794,
39 and with Title II of the Americans with Disabilities Act, 42
40 U.S.C.A. Sections 12131-12165, the receiving state shall make

1 reasonable accommodations and modifications to address the needs
2 of incoming students with disabilities, subject to an existing Section
3 504 or Title II Plan, to provide the student with equal access to
4 education. This does not preclude the school in the receiving state
5 from performing subsequent evaluations to ensure appropriate
6 placement of the student.

7 (D) Placement flexibility – Local education agency
8 administrative officials shall have flexibility in waiving
9 course/program prerequisites, or other preconditions for placement
10 in courses/programs offered under the jurisdiction of the local
11 education agency.

12 (E) Absence as related to deployment activities – A student
13 whose parent or legal guardian is an active duty member of the
14 uniformed services, as defined by the compact, and has been called
15 to duty for, is on leave from, or immediately returned from
16 deployment to a combat zone or combat support posting, shall be
17 granted additional excused absences at the discretion of the local
18 education agency superintendent to visit with his or her parent or
19 legal guardian relative to such leave or deployment of the parent
20 or guardian.

21 22 Article VI. Eligibility 23

24 (A) Eligibility for enrollment

25 (1) Special power of attorney, relative to the guardianship of a
26 child of a military family and executed under applicable law, shall
27 be sufficient for the purposes of enrollment and all other actions
28 requiring parental participation and consent.

29 (2) A local education agency shall be prohibited from charging
30 local tuition to a transitioning military child placed in the care of
31 a noncustodial parent or other person standing in loco parentis
32 who lives in a jurisdiction other than that of the custodial parent.

33 (3) A transitioning military child, placed in the care of a
34 noncustodial parent or other person standing in loco parentis, who
35 lives in a jurisdiction other than that of the custodial parent, may
36 continue to attend the school in which he/she was enrolled while
37 residing with the custodial parent.

38 (B) Eligibility for extracurricular participation – State and local
39 education agencies shall facilitate the opportunity for transitioning
40 military children's inclusion in extracurricular activities, regardless

1 of application deadlines, to the extent they are otherwise qualified
2 and space is available, as determined by the school district.

3
4 Article VII. Graduation
5

6 In order to facilitate the on-time graduation of children of
7 military families, states and local education agencies shall
8 incorporate the following procedures:

9 (A) Waiver requirements – Local education agency
10 administrative officials shall use best efforts to waive specific
11 courses required for graduation if similar coursework has been
12 satisfactorily completed in another local education agency or shall
13 provide reasonable justification for denial. Should a waiver not be
14 granted to a student who would qualify to graduate from the
15 sending school, the local education agency shall use best efforts
16 to provide an alternative means of acquiring required coursework
17 so that graduation may occur on time.

18 (B) Exit exams – States shall accept: 1) exit or end-of-course
19 exams required for graduation from the sending state; or 2) national
20 norm-referenced achievement tests; or 3) alternative testing, in
21 lieu of testing requirements for graduation in the receiving state;
22 or 4) in California, the passage of the exit examination adopted
23 pursuant to Section 60850 is required for the student to graduate
24 if the diploma is to be issued by a California public school, as long
25 as it is a requirement in California. In the event the above
26 alternatives cannot be accommodated by the receiving state for a
27 student transferring in his or her Senior year, then the provisions
28 of Section C of this Article shall apply.

29 (C) Transfers during Senior year – Should a military student
30 transferring at the beginning or during his or her Senior year be
31 ineligible to graduate from the receiving local education agency
32 after all alternatives have been considered, the sending and
33 receiving local education agencies shall make best efforts to ensure
34 the receipt of a diploma from the sending local education agency,
35 if the student meets the graduation requirements of the sending
36 local education agency. In the event that one of the states in
37 question is not a member of this compact, the member state shall
38 use best efforts to facilitate the on-time graduation of the student
39 in accordance with Sections A and B of this Article.

40

Article VIII. State Coordination

(A) (1) Each member state shall, through the creation of a State Council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance with, this compact and Interstate Commission activities. While each member state may determine the membership of its own State Council, its membership must include at least: the state superintendent of education, superintendent of a school district with a high concentration of military children, representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the State Council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the State Council.

(2) In California, members of the State Council shall include all of the following:

(a) The State Superintendent of Public Instruction or his or her designee.

(b) A school district superintendent or his or her designee from a school district with a high concentration of military children, selected by the State Superintendent of Public Instruction.

(c) A representative from a military installation.

(d) A member of the Senate appointed by the Senate Committee on Rules, or his or her designee, who represents a legislative district with a high concentration of military children.

(e) A member of the Assembly appointed by the Speaker of the Assembly, or his or her designee, who represents a legislative district with a high concentration of military children.

~~(f) The Secretary for Education or his or her designee.~~

~~(g)~~

(f) Any other persons appointed by the State Superintendent of Public Instruction.

(B) The State Council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

1 (C) (1) The compact commissioner responsible for the
2 administration and management of the state's participation in the
3 compact shall be appointed by the Governor or as otherwise
4 determined by each member state.

5 (2) In California, the State Superintendent of Public Instruction
6 shall appoint the compact commissioner.

7 (D) The compact commissioner and the military family
8 education liaison designated herein shall be ex-officio members
9 of the State Council, unless either is already a full voting member
10 of the State Council.

11
12 Article IX. Interstate Commission on Educational Opportunity
13 for Military Children
14

15 The member states hereby create the "Interstate Commission on
16 Educational Opportunity for Military Children." The activities of
17 the Interstate Commission are the formation of public policy and
18 are a discretionary state function. The Interstate Commission shall:

19 (A) Be a body corporate and joint agency of the member states
20 and shall have all the responsibilities, powers and duties set forth
21 herein, and such additional powers as may be conferred upon it
22 by a subsequent concurrent action of the respective legislatures of
23 the member states in accordance with the terms of this compact.

24 (B) Consist of one Interstate Commission voting representative
25 from each member state, who shall be that state's compact
26 commissioner.

27 (1) Each member state represented at a meeting of the Interstate
28 Commission is entitled to one vote.

29 (2) A majority of the total member states shall constitute a
30 quorum for the transaction of business, unless a larger quorum is
31 required by the bylaws of the Interstate Commission.

32 (3) A representative shall not delegate a vote to another member
33 state. In the event the compact commissioner is unable to attend
34 a meeting of the Interstate Commission, the Governor or State
35 Council may delegate voting authority to another person from their
36 state for a specified meeting.

37 (4) The bylaws may provide for meetings of the Interstate
38 Commission to be conducted by telecommunication or electronic
39 communication.

1 (C) Consist of ex-officio, nonvoting representatives who are
2 members of interested organizations. Such ex-officio members,
3 as defined in the bylaws, may include, but not be limited to,
4 members of the representative organizations of military family
5 advocates, local education agency officials, parent and teacher
6 groups, the U.S. Department of Defense, the Education
7 Commission of the States, the Interstate Agreement on the
8 Qualification of Educational Personnel and other interstate
9 compacts affecting the education of children of military members.

10 (D) Meet at least once each calendar year. The chairperson may
11 call additional meetings and, upon the request of a simple majority
12 of the member states, shall call additional meetings.

13 (E) Establish an executive committee, whose members shall
14 include the officers of the Interstate Commission and such other
15 members of the Interstate Commission as determined by the
16 bylaws. Members of the executive committee shall serve a one
17 year term. Members of the executive committee shall be entitled
18 to one vote each. The executive committee shall have the power
19 to act on behalf of the Interstate Commission, with the exception
20 of rulemaking, during periods when the Interstate Commission is
21 not in session. The executive committee shall oversee the
22 day-to-day activities of the administration of the compact, including
23 enforcement and compliance with the provisions of the compact,
24 its bylaws and rules, and other such duties as deemed necessary.
25 The U.S. Dept. of Defense shall serve as an ex-officio, nonvoting
26 member of the executive committee.

27 (F) Establish bylaws and rules that provide for conditions and
28 procedures under which the Interstate Commission shall make its
29 information and official records available to the public for
30 inspection or copying. The Interstate Commission may exempt
31 from disclosure information or official records to the extent they
32 would adversely affect personal privacy rights or proprietary
33 interests.

34 (G) Public notice shall be given by the Interstate Commission
35 of all meetings, and all meetings shall be open to the public, except
36 as set forth in the rules or as otherwise provided in the compact.
37 The Interstate Commission and its committees may close a meeting,
38 or portion thereof, where it determines by two-thirds vote that an
39 open meeting would be likely to:

1 (1) Relate solely to the Interstate Commission's internal
2 personnel practices and procedures;

3 (2) Disclose matters specifically exempted from disclosure by
4 federal and state statute;

5 (3) Disclose trade secrets or commercial or financial information
6 which is privileged or confidential;

7 (4) Involve accusing a person of a crime, or formally censuring
8 a person;

9 (5) Disclose information of a personal nature where disclosure
10 would constitute a clearly unwarranted invasion of personal
11 privacy;

12 (6) Disclose investigative records compiled for law enforcement
13 purposes; or

14 (7) Specifically relate to the Interstate Commission's
15 participation in a civil action or other legal proceeding.

16 (H) For a meeting, or portion of a meeting, closed pursuant to
17 this provision, the Interstate Commission's legal counsel or
18 designee shall certify that the meeting may be closed and shall
19 reference each relevant exemptible provision. The Interstate
20 Commission shall keep minutes which shall fully and clearly
21 describe all matters discussed in a meeting and shall provide a full
22 and accurate summary of actions taken, and the reasons therefor,
23 including a description of the views expressed and the record of
24 a roll call vote. All documents considered in connection with an
25 action shall be identified in such minutes. All minutes and
26 documents of a closed meeting shall remain under seal, subject to
27 release by a majority vote of the Interstate Commission.

28 (I) The Interstate Commission shall collect standardized data
29 concerning the educational transition of the children of military
30 families under this compact as directed through its rules which
31 shall specify the data to be collected, the means of collection and
32 data exchange and reporting requirements. Such methods of data
33 collection, exchange and reporting shall, in so far as is reasonably
34 possible, conform to current technology and coordinate its
35 information functions with the appropriate custodian of records
36 as identified in the bylaws and rules.

37 (J) The Interstate Commission shall create a process that permits
38 military officials, education officials and parents to inform the
39 Interstate Commission if and when there are alleged violations of
40 the compact or its rules or when issues subject to the jurisdiction

1 of the compact or its rules are not addressed by the state or local
2 education agency. This section shall not be construed to create a
3 private right of action against the Interstate Commission or any
4 member state.

5
6 Article X. Powers and Duties of the Interstate Commission

7
8 The Interstate Commission shall have the following powers:

9 (A) To provide for dispute resolution among member states.

10 (B) To promulgate rules and take all necessary actions to effect
11 the goals, purposes, and obligations as specifically set forth in
12 Articles IV, V, VI, and VII of this compact. The rules shall have
13 the force and effect of statutory law and shall be binding in the
14 compact states to the extent and in the manner provided in this
15 compact.

16 (C) To issue, upon request of a member state, advisory opinions
17 concerning the meaning or interpretation of the interstate compact,
18 its bylaws, rules, and actions.

19 (D) To enforce compliance with the compact provisions, the
20 rules promulgated by the Interstate Commission, and the bylaws,
21 using all necessary and proper means, including, but not limited
22 to, the use of judicial process.

23 (E) To establish and maintain offices which shall be located
24 within one or more of the member states.

25 (F) To purchase and maintain insurance and bonds.

26 (G) To borrow, accept, hire, or contract for services of personnel.

27 (H) To establish and appoint committees including, but not
28 limited to, an executive committee as required by Article IX,
29 Section E, which shall have the power to act on behalf of the
30 Interstate Commission in carrying out its powers and duties
31 hereunder.

32 (I) To elect or appoint such officers, attorneys, employees,
33 agents, or consultants, and to fix their compensation, define their
34 duties and determine their qualifications, and to establish the
35 Interstate Commission's personnel policies and programs relating
36 to conflicts of interest, rates of compensation, and qualifications
37 of personnel.

38 (J) To accept any and all donations and grants of money,
39 equipment, supplies, materials, and services, and to receive, utilize,
40 and dispose of it.

1 (K) To lease, purchase, accept contributions or donations of, or
2 otherwise to own, hold, improve or use any property, real, personal,
3 or mixed.

4 (L) To sell, convey, mortgage, pledge, lease, exchange, abandon,
5 or otherwise dispose of any property, real, personal, or mixed.

6 (M) To establish a budget and make expenditures.

7 (N) To adopt a seal and bylaws governing the management and
8 operation of the Interstate Commission.

9 (O) To report annually to the legislatures, governors, judiciary,
10 and state councils of the member states concerning the activities
11 of the Interstate Commission during the preceding year. Such
12 reports shall also include any recommendations that may have
13 been adopted by the Interstate Commission.

14 (P) To coordinate education, training, and public awareness
15 regarding the compact, its implementation and operation for
16 officials and parents involved in such activity.

17 (Q) To establish uniform standards for the reporting, collecting,
18 and exchanging of data.

19 (R) To maintain corporate books and records in accordance with
20 the bylaws.

21 (S) To perform such functions as may be necessary or
22 appropriate to achieve the purposes of this compact.

23 (T) To provide for the uniform collection and sharing of
24 information between and among member states, schools, and
25 military families under this compact.

26
27 Article XI. Organization and Operation of the Interstate
28 Commission
29

30 (A) The Interstate Commission shall, by a majority of the
31 members present and voting, within 12 months after the first
32 Interstate Commission meeting, adopt bylaws to govern its conduct
33 as may be necessary or appropriate to carry out the purposes of
34 the compact, including, but not limited to:

35 (1) Establishing the fiscal year of the Interstate Commission;

36 (2) Establishing an executive committee, and such other
37 committees as may be necessary;

38 (3) Providing for the establishment of committees and for
39 governing any general or specific delegation of authority or
40 function of the Interstate Commission;

1 (4) Providing reasonable procedures for calling and conducting
2 meetings of the Interstate Commission, and ensuring reasonable
3 notice of each such meeting;

4 (5) Establishing the titles and responsibilities of the officers and
5 staff of the Interstate Commission;

6 (6) Providing a mechanism for concluding the operations of the
7 Interstate Commission and the return of surplus funds that may
8 exist upon the termination of the compact after the payment and
9 reserving of all of its debts and obligations.

10 (7) Providing “start up” rules for initial administration of the
11 compact.

12 (B) The Interstate Commission shall, by a majority of the
13 members, elect annually from among its members a chairperson,
14 a vice-chairperson, and a treasurer, each of whom shall have such
15 authority and duties as may be specified in the bylaws. The
16 chairperson or, in the chairperson’s absence or disability, the
17 vice-chairperson, shall preside at all meetings of the Interstate
18 Commission. The officers so elected shall serve without
19 compensation or remuneration from the Interstate Commission;
20 provided that, subject to the availability of budgeted funds, the
21 officers shall be reimbursed for ordinary and necessary costs and
22 expenses incurred by them in the performance of their
23 responsibilities as officers of the Interstate Commission.

24 (C) Executive Committee, Officers and Personnel

25 (1) The executive committee shall have such authority and duties
26 as may be set forth in the bylaws, including, but not limited to:

27 (a) Managing the affairs of the Interstate Commission in a
28 manner consistent with the bylaws and purposes of the Interstate
29 Commission;

30 (b) Overseeing an organizational structure within, and
31 appropriate procedures for the Interstate Commission to provide
32 for the creation of rules, operating procedures, and administrative
33 and technical support functions; and

34 (c) Planning, implementing, and coordinating communications
35 and activities with other state, federal and local government
36 organizations in order to advance the goals of the Interstate
37 Commission.

38 (2) The executive committee may, subject to the approval of
39 the Interstate Commission, appoint or retain an executive director
40 for such period, upon such terms and conditions and for such

1 compensation, as the Interstate Commission may deem appropriate.
2 The executive director shall serve as secretary to the Interstate
3 Commission, but shall not be a Member of the Interstate
4 Commission. The executive director shall hire and supervise such
5 other persons as may be authorized by the Interstate Commission.

6 (D) The Interstate Commission's executive director and its
7 employees shall be immune from suit and liability, either personally
8 or in their official capacity, for a claim for damage to or loss of
9 property or personal injury or other civil liability caused or arising
10 out of or relating to an actual or alleged act, error, or omission that
11 occurred, or that such person had a reasonable basis for believing
12 occurred, within the scope of Interstate Commission employment,
13 duties, or responsibilities; provided, that such person shall not be
14 protected from suit or liability for damage, loss, injury, or liability
15 caused by the intentional or willful and wanton misconduct of such
16 person.

17 (1) The liability of the Interstate Commission's executive
18 director and employees or Interstate Commission representatives,
19 acting within the scope of such person's employment or duties for
20 acts, errors, or omissions occurring within such person's state,
21 may not exceed the limits of liability set forth under the
22 Constitution and laws of that state for state officials, employees,
23 and agents. The Interstate Commission is considered to be an
24 instrumentality of the states for the purposes of any such action.
25 Nothing in this subsection shall be construed to protect such person
26 from suit or liability for damage, loss, injury, or liability caused
27 by the intentional or willful and wanton misconduct of such person.

28 (2) The Interstate Commission shall defend the executive
29 director and its employees and, subject to the approval of the
30 Attorney General or other appropriate legal counsel of the member
31 state represented by an Interstate Commission representative, shall
32 defend such Interstate Commission representative in any civil
33 action seeking to impose liability arising out of an actual or alleged
34 act, error or omission that occurred within the scope of Interstate
35 Commission employment, duties or responsibilities, or that the
36 defendant had a reasonable basis for believing occurred within the
37 scope of Interstate Commission employment, duties, or
38 responsibilities, provided that the actual or alleged act, error, or
39 omission did not result from intentional or willful and wanton
40 misconduct on the part of such person.

(3) To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or ~~willful~~ *willful* and wanton misconduct on the part of such persons.

Article XII. Rulemaking Functions of the Interstate Commission

(A) Rulemaking Authority – The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact, as specifically set forth in Articles IV, V, VI, and VII. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the specific matters set forth in Articles IV, V, VI, and VII of this Act, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.

(B) Rulemaking Procedure – Rules shall be made pursuant to a rulemaking process that substantially conforms to the “Model State Administrative Procedure Act,” of 1981, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the Interstate Commission.

(C) Not later than thirty (30) days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the Interstate Commission's authority.

1 (D) If a majority of the legislatures of the compacting states
2 rejects a Rule by enactment of a statute or resolution in the same
3 manner used to adopt the compact, then such rule shall have no
4 further force and effect in any compacting state.

5
6 Article XIII. Oversight, Enforcement, and Dispute Resolution

7
8 (A) Oversight

9 (1) The executive, legislative and judicial branches of state
10 government in each member state shall enforce this compact, and
11 shall take all actions necessary and appropriate to effectuate the
12 compact's purposes and intent. The provisions of this compact and
13 the rules promulgated hereunder shall have standing as statutory
14 law.

15 (2) All courts shall take judicial notice of the compact and the
16 rules in any judicial or administrative proceeding in a member
17 state pertaining to the subject matter of this compact which may
18 affect the powers, responsibilities or actions of the Interstate
19 Commission.

20 (3) The Interstate Commission shall be entitled to receive all
21 service of process in any such proceeding, and shall have standing
22 to intervene in the proceeding for all purposes. Failure to provide
23 service of process to the Interstate Commission shall render a
24 judgment or order void as to the Interstate Commission, this
25 compact or promulgated rules.

26 (B) Default, Technical Assistance, Suspension and
27 Termination – If the Interstate Commission determines that a
28 member state has defaulted in the performance of its obligations
29 or responsibilities under this compact, or the bylaws or promulgated
30 rules, the Interstate Commission shall:

31 (1) Provide written notice, to the defaulting state and other
32 member states, of the nature of the default, the means of curing
33 the default and any action taken by the Interstate Commission.
34 The Interstate Commission shall specify the conditions by which
35 the defaulting state must cure its default.

36 (2) Provide remedial training and specific technical assistance
37 regarding the default.

38 (3) If the defaulting state fails to cure the default, the defaulting
39 state shall be terminated from the compact upon an affirmative
40 vote of a majority of the member states and all rights, privileges

1 and benefits conferred by this compact shall be terminated from
2 the effective date of termination. A cure of the default does not
3 relieve the offending state of obligations or liabilities incurred
4 during the period of the default.

5 (4) Suspension or termination of membership in the compact
6 shall be imposed only after all other means of securing compliance
7 have been exhausted. Notice of intent to suspend or terminate shall
8 be given by the Interstate Commission to the Governor, the
9 majority and minority leaders of the defaulting state's legislature,
10 and each of the member states.

11 (5) The state which has been suspended or terminated is
12 responsible for all assessments, obligations and liabilities incurred
13 through the effective date of suspension or termination including
14 obligations, the performance of which extends beyond the effective
15 date of suspension or termination.

16 (6) The Interstate Commission shall not bear any costs relating
17 to any state that has been found to be in default or which has been
18 suspended or terminated from the compact, unless otherwise
19 mutually agreed upon in writing between the Interstate Commission
20 and the defaulting state.

21 (7) The defaulting state may appeal the action of the Interstate
22 Commission by petitioning the U.S. District Court for the District
23 of Columbia or the federal district where the Interstate Commission
24 has its principal offices. The prevailing party shall be awarded all
25 costs of such litigation including reasonable attorney's fees.

26 (C) Dispute Resolution

27 (1) The Interstate Commission shall attempt, upon the request
28 of a member state, to resolve disputes which are subject to the
29 compact and which may arise among member states and between
30 member and nonmember states.

31 (2) The Interstate Commission shall promulgate a rule providing
32 for both mediation and binding dispute resolution for disputes as
33 appropriate.

34 (D) Enforcement

35 (1) The Interstate Commission, in the reasonable exercise of its
36 discretion, shall enforce the provisions and rules of this compact.

37 (2) The Interstate Commission may, by majority vote of the
38 members, initiate legal action in the United States District Court
39 for the District of Columbia or, at the discretion of the Interstate
40 Commission, in the federal district where the Interstate

1 Commission has its principal offices, to enforce compliance with
2 the provisions of the compact or its promulgated rules and bylaws
3 against a member state in default. The relief sought may include
4 both injunctive relief and damages. In the event judicial
5 enforcement is necessary, the prevailing party shall be awarded
6 all costs of such litigation including reasonable attorney's fees.

7 (3) The remedies herein shall not be the exclusive remedies of
8 the Interstate Commission. The Interstate Commission may avail
9 itself of any other remedies available under state law or the
10 regulation of a profession.

11
12 Article XIV. Financing of the Interstate Commission
13

14 (A) The Interstate Commission shall pay, or provide for the
15 payment of, the reasonable expenses of its establishment,
16 organization and ongoing activities.

17 (B) The Interstate Commission may levy on and collect an
18 annual assessment from each member state to cover the cost of
19 the operations and activities of the Interstate Commission and its
20 staff which must be in a total amount sufficient to cover the
21 Interstate Commission's annual budget as approved each year.
22 The aggregate annual assessment amount shall be allocated based
23 upon a formula to be determined by the Interstate Commission,
24 which shall promulgate a rule binding upon all member states.

25 (C) The Interstate Commission shall not incur obligations of
26 any kind prior to securing the funds adequate to meet the same;
27 nor shall the Interstate Commission pledge the credit of any of the
28 member states, except by and with the authority of the member
29 state.

30 (D) The Interstate Commission shall keep accurate accounts of
31 all receipts and disbursements. The receipts and disbursements of
32 the Interstate Commission shall be subject to the audit and
33 accounting procedures established under its bylaws. However, all
34 receipts and disbursements of funds handled by the Interstate
35 Commission shall be audited yearly by a certified or licensed public
36 accountant, and the report of the audit shall be included in and
37 become part of the annual report of the Interstate Commission.

38
39 Article XV. Member, States, Effective Date and Amendment
40

1 (A) Any state is eligible to become a member state.

2 (B) The compact shall become effective and binding upon
3 legislative enactment of the compact into law by no less than ten
4 (10) of the states. The effective date shall be no earlier than
5 December 1, 2007. Thereafter it shall become effective and binding
6 as to any other member state upon enactment of the compact into
7 law by that state. The governors of non-member states or their
8 designees shall be invited to participate in the activities of the
9 Interstate Commission on a nonvoting basis prior to adoption of
10 the compact by all states.

11 (C) The Interstate Commission may propose amendments to
12 the compact for enactment by the member states. No amendment
13 shall become effective and binding upon the Interstate Commission
14 and the member states unless and until it is enacted into law by
15 unanimous consent of the member states.

16
17 Article XVI. Withdrawal and Dissolution
18

19 (A) Withdrawal

20 (1) Once effective, the compact shall continue in force and
21 remain binding upon each and every member state; provided that
22 a member state may withdraw from the compact by specifically
23 repealing the statute which enacted the compact into law.

24 (2) Withdrawal from this compact shall be by the enactment of
25 a statute repealing the same, but shall not take effect until one (1)
26 year after the effective date of such statute and until written notice
27 of the withdrawal has been given by the withdrawing state to the
28 Governor of each other member jurisdiction.

29 (3) The withdrawing state shall immediately notify the
30 chairperson of the Interstate Commission in writing upon the
31 introduction of legislation repealing this compact in the
32 withdrawing state. The Interstate Commission shall notify the other
33 member states of the withdrawing state's intent to withdraw within
34 sixty (60) days of its receipt thereof.

35 (4) The withdrawing state is responsible for all assessments,
36 obligations and liabilities incurred through the effective date of
37 withdrawal, including obligations, the performance of which extend
38 beyond the effective date of withdrawal.

1 (5) Reinstatement following withdrawal of a member state shall
2 occur upon the withdrawing state reenacting the compact or upon
3 such later date as determined by the Interstate Commission.

4 (B) Dissolution of Compact

5 (1) This compact shall dissolve effective upon the date of the
6 withdrawal or default of the member state which reduces the
7 membership in the compact to one (1) member state.

8 (2) Upon the dissolution of this compact, the compact becomes
9 null and void and shall be of no further force or effect, and the
10 business and affairs of the Interstate Commission shall be
11 concluded and surplus funds shall be distributed in accordance
12 with the bylaws.

13
14 Article XVII. Severability and Construction

15
16 (A) The provisions of this compact shall be severable, and if
17 any phrase, clause, sentence or provision is deemed unenforceable,
18 the remaining provisions of the compact shall be enforceable.

19 (B) The provisions of this compact shall be liberally construed
20 to effectuate its purposes.

21 (C) Nothing in this compact shall be construed to prohibit the
22 applicability of other interstate compacts to which the states are
23 members.

24
25 Article XVIII. Binding Effect of Compact and Other Laws

26
27 (A) Other Laws

28 (1) Nothing herein prevents the enforcement of any other law
29 of a member state that is not inconsistent with this compact.

30 (2) All member states' laws conflicting with this compact are
31 superseded to the extent of the conflict.

32 (B) Binding Effect of the Compact

33 (1) All lawful actions of the Interstate Commission, including
34 all rules and bylaws promulgated by the Interstate Commission,
35 are binding upon the member states.

36 (2) All agreements between the Interstate Commission and the
37 member states are binding in accordance with their terms.

38 (3) In the event any provision of this compact exceeds the
39 constitutional limits imposed on the legislature of any member

1 state, such provision shall be ineffective to the extent of the conflict
2 with the constitutional provision in question in that member state.

3 ~~SEC. 2.~~

4 *SEC. 25.* Section 52055.720 of the Education Code is amended
5 to read:

6 52055.720. (a) For purposes of this article, the following
7 definitions apply:

8 (1) “Academic Performance Index” or “API” means the
9 Academic Performance Index established under Section 52052.

10 (2) “CBEDS” means the California Basic Educational Data
11 System.

12 (3) “Funded school” means a school that is within a school
13 district or chartering authority, receives funds allocated under this
14 article, and complies with all applicable interim programs and
15 alternative requirements described in this article.

16 (4) The “High Priority Schools Grant Program” or “HPSGP”
17 means the High Priority Schools Grant Program established under
18 Article 3.5 (commencing with Section 52055.600).

19 (5) “Superintendent” means the Superintendent of Public
20 Instruction.

21 (b) Public schools and charter schools that are ranked in either
22 decile 1 or 2 on the 2005 Academic Performance Index are eligible
23 to receive funds under this article.

24 (c) A school that is funded under the High Priority Schools
25 Grant Program, has not met the annual growth target requirements
26 under Section 52055.650, and is designated as a state sanctioned
27 school is eligible to be funded under this article if the school
28 undergoes a rigorous review directed by the Superintendent.

29 (d) A school that is funded under the High Priority Schools
30 Grant Program, and has met or is meeting the requirements of
31 Section 52055.650, is eligible to receive funding under this article
32 and the HPSGP if the school agrees to meet all accountability
33 requirements of both programs.

34 (e) A school that is funded under this article and continues to
35 meet the program and achievement requirements of this article
36 shall be funded annually through the 2013–14 fiscal year.

37 (f) The funds appropriated pursuant to this article may be
38 expended for any purpose identified under the schoolsite’s Single
39 Plan for Pupil Achievement established under Section 64001.

1 ~~SEC. 3.~~

2 *SEC. 26.* Section 52055.730 of the Education Code is amended
3 to read:

4 52055.730. (a) The Superintendent shall identify and invite
5 school districts and chartering authorities that have eligible schools
6 to participate in the program established under this article.

7 (b) The Superintendent shall notify school districts and
8 chartering authorities at the earliest possible date of all of the
9 following:

10 (1) Schoolsites in the district or of a chartering authority that
11 are eligible to receive funding pursuant to this article.

12 (2) The program and accountability requirements for schools
13 that receive funding pursuant to this article.

14 (3) The deadlines for the submission of documents necessary
15 to receive funding pursuant to this article.

16 (4) Any other information the Superintendent deems necessary
17 to implement this article.

18 (c) The Superintendent shall specify the manner in which school
19 districts and chartering authorities shall submit applications to
20 receive funding pursuant to this article. It is the intent of the
21 Legislature that this submission process be as simple as possible,
22 use easily available data, and include the requirements of this
23 article.

24 (d) On or before June 30, 2007, the Superintendent, in
25 consultation with interested parties, shall develop a uniform process
26 that can be used to calculate average experience for purposes of
27 reporting, analyzing, or evaluating the distribution of classroom
28 teaching experience in grades, schoolsites, or subjects across the
29 district. The uniform process shall include an index that uses the
30 2005–06 California Basic Educational Data System (CBEDS)
31 Professional Assignment Information Form (PAIF), including any
32 necessary corrections, as the base-reporting year to evaluate annual
33 improvements of the funded schools toward balancing the index
34 of teaching experience. The index shall be approved by the
35 Superintendent. The uniform process shall designate teaching
36 experience beyond 10 years as 10 years.

37 (e) The Superintendent shall review the applications and select
38 the schools for recommendation to the state board within 30 days
39 after the date the application is submitted to the Superintendent.

(f) After reviewing applications submitted pursuant to subdivision (c), the Superintendent shall submit the recommendations for schools to be funded to the state board for approval. The recommendations shall ensure a wide geographic distribution of funded schools across urban, rural, and suburban areas of the state. Schools selected should also represent a diverse distribution of grade levels.

(g) To the maximum extent possible the Superintendent and the state board shall recommend and approve sufficient schools to use all available funds. A school selected in the first year shall continue in the program unless it is terminated pursuant to subdivision (c) of Section 52055.740, it declines to participate, or there is evidence of fraud or fiscal irregularities.

(h) In approving the recommendations for funding from the Superintendent, the state board also shall verify that the funded schools represent the required balance, geographic distribution, and diverse distribution of grade levels.

(i) The Superintendent shall perform the duties of a county superintendent of schools pursuant to this article for funded schools in those counties in which a single school district operates. The Superintendent may delegate this responsibility to a county superintendent of schools in the region in which the single district county is located.

(j) The Superintendent may select not more than two county offices of education to provide regional technical support, document best practices, and provide information regarding those practices and other support information to schools, school districts, and chartering authorities. It is the intent of the Legislature that these activities be merged to the maximum extent feasible with other state and federally funded activities with similar requirements.

~~SEC. 4.~~

SEC. 27. Section 52055.760 of the Education Code is amended to read:

52055.760. (a) A school district or chartering authority may apply for authority from the Superintendent to use alternative program requirements if the district or authority demonstrates that compliance with alternative program requirements would provide a higher level of academic achievement among pupils than

1 compliance with the interim and program requirements of this
2 article.

3 (b) Alternative program requirements may be used to serve no
4 more than 15 percent of the pupils funded pursuant to this article.
5 Alternative programs shall serve the entire school.

6 (c) A school district or chartering authority may use alternative
7 program requirements at a funded school if all the following criteria
8 are satisfied:

9 (1) The proposed alternative requirements are based on reliable
10 data and are consistent with sound scientifically based research
11 consistent with subdivision (j) of Section 44757.5 on effective
12 practices.

13 (2) The costs of complying with the proposed alternative
14 requirements do not exceed the amount of funding received by the
15 school district or chartering authority pursuant to this article.

16 (3) Funded schools agree to comply with the alternative program
17 requirements and be subject to the termination procedures specified
18 in subdivision (c) of Section 52055.740. Funded schools with
19 alternative programs shall also be required to exceed the API
20 growth target for the school averaged over the first three fully
21 funded years and annually thereafter.

22 (4) The Superintendent has reviewed the proposed alternative
23 funded schools of the school district or chartering authority for
24 purposes of this section and have recommended to the state board
25 for its approval those schools, using the same process as for the
26 regular program recommendations.

27 (d) The Superintendent shall give priority for approval of schools
28 with alternative programs to any school serving any of grades 9
29 to 12, inclusive, that has demonstrated to the satisfaction of the
30 Superintendent that the school cannot decrease class sizes as
31 required under this article due to extraordinary issues relating to
32 facilities, or due to the adverse impact of the requirements of this
33 program, if implemented in the school, on the eligibility of the
34 school district for state school facility funding.

35 ~~SEC. 5.~~

36 *SEC. 28.* Section 52055.770 of the Education Code is amended
37 to read:

38 52055.770. (a) School districts and chartering authorities shall
39 receive funding at the following rate, on behalf of funded schools:

1 (1) For kindergarten and grades 1 to 3, inclusive, five hundred
2 dollars (\$500) per enrolled pupil in funded schools.

3 (2) For grades 4 to 8, inclusive, nine hundred dollars (\$900) per
4 enrolled pupil in funded schools.

5 (3) For grades 9 to 12, inclusive, one thousand dollars (\$1,000)
6 per enrolled pupil in funded schools.

7 (b) For purposes of subdivision (a), enrollment of a pupil in a
8 funded school in the prior fiscal year shall be based on data from
9 the CBEDS. For the 2007–08 fiscal year, the funded rates shall be
10 reduced to reflect the percentage difference in the total amounts
11 appropriated for purposes of this section in that year compared to
12 the amounts appropriated for purposes of this section in the
13 2008–09 fiscal year.

14 (c) The following amounts are hereby appropriated from the
15 General Fund for the purposes set forth in subdivision (f):

16 (1) For the 2007–08 fiscal year, three hundred million dollars
17 (\$300,000,000), to be allocated as follows:

18 (A) Thirty-two million dollars (\$32,000,000) for transfer by the
19 Controller to Section B of the State School Fund for allocation by
20 the Chancellor of the California Community Colleges to
21 community colleges for the purpose of providing funding to the
22 community colleges to improve and expand career technical
23 education in public secondary education and lower division public
24 higher education pursuant to Section 88532, including the hiring
25 of additional faculty to expand the number of career technical
26 education programs and course offerings.

27 (B) Two hundred sixty-eight million dollars (\$268,000,000) for
28 transfer by the Controller to Section A of the State School Fund
29 for allocation by the Superintendent pursuant to this article.

30 (2) For each of the 2008–09, and 2011–12 to 2014–15 fiscal
31 years, inclusive, four hundred fifty million dollars (\$450,000,000)
32 per fiscal year, to be allocated as follows:

33 (A) Forty-eight million dollars (\$48,000,000) for transfer by
34 the Controller to Section B of the State School Fund for allocation
35 by the Chancellor of the California Community Colleges to
36 community colleges as required under subdivision (e).

37 (B) Four hundred two million dollars (\$402,000,000) for transfer
38 by the Controller to Section A of the State School Fund for
39 allocation by the Superintendent pursuant to this article.

1 (3) For the 2009–10 fiscal year, thirty million dollars
2 (\$30,000,000), to be allocated for transfer by the Controller to
3 Section B of the State School Fund for allocation by the Chancellor
4 of the California Community Colleges to community colleges as
5 required under subdivision (e).

6 (4) For the 2010–11 fiscal year, four hundred twenty million
7 dollars (\$420,000,000), to be allocated as follows:

8 (A) Eighteen million dollars (\$18,000,000) for transfer by the
9 Controller to Section B of the State School Fund for allocation by
10 the Chancellor of the California Community Colleges to
11 community colleges as required under subdivision (e).

12 (B) Four hundred two million dollars (\$402,000,000) for transfer
13 by the Controller to Section A of the State School Fund for
14 allocation by the Superintendent pursuant to this article.

15 (C) Commencing with the 2010–11 fiscal year, payments made
16 pursuant to subparagraphs (A) and (B) shall be made only on or
17 after October 8 of each fiscal year.

18 (d) For the 2013–14 fiscal year the amounts appropriated under
19 subdivision (c) shall be adjusted to reflect the total fiscal settlement
20 agreed to by the parties in California Teachers Association, et al.
21 v. Arnold Schwarzenegger (Case Number 05CS01165 of the
22 Superior Court for the County of Sacramento) and the sum of all
23 fiscal years of funding provided to fund this article shall not exceed
24 the total funds agreed to by those parties. This annual appropriation
25 shall continue to be made until the Director of Finance reports to
26 the Legislature, along with all proposed adjustments to the
27 Governor’s Budget pursuant to Section 13308 of the Government
28 Code, that the sum of appropriations made and allocated pursuant
29 to subdivision (c) equals the total outstanding balance of the
30 minimum state educational funding obligation to school districts
31 and community college districts required by Section 8 of Article
32 XVI of the California Constitution and Chapter 213 of the Statutes
33 of 2004 for the 2004–05 and 2005–06 fiscal years, as determined
34 in subdivision (a) or (b) of Section 41207.1.

35 (e) The sum transferred under subparagraph (A) of paragraph
36 (2) of subdivision (c) for the 2008–09 fiscal year shall be allocated
37 by the Chancellor of the California Community Colleges as
38 follows:

39 (1) Thirty-eight million dollars (\$38,000,000) to the community
40 colleges for the purpose of providing funding to the community

1 colleges to improve and expand career technical education in public
2 secondary education and lower division public higher education
3 pursuant to Section 88532, including the hiring of additional faculty
4 to expand the number of career technical education programs and
5 course offerings.

6 (2) Ten million dollars (\$10,000,000) to the community colleges
7 for the purpose of providing one-time block grants to community
8 college districts to be used for one-time items of expenditure,
9 including, but not limited to, the following purposes:

10 (A) Physical plant, scheduled maintenance, deferred
11 maintenance, and special repairs.

12 (B) Instructional materials and support.

13 (C) Instructional equipment, including equipment related to
14 career technical education, with priority for nursing program
15 equipment.

16 (D) Library materials.

17 (E) Technology infrastructure.

18 (F) Hazardous substances abatement, cleanup, and repair.

19 (G) Architectural barrier removal.

20 (H) State-mandated local programs.

21 (3) The Chancellor of the California Community Colleges shall
22 allocate the amount allocated pursuant to paragraph (2) to
23 community college districts on an equal amount per actual
24 full-time-equivalent student (FTES) reported for the prior fiscal
25 year, except that each community college district shall be allocated
26 an amount not less than fifty thousand dollars (\$50,000), and the
27 equal amount per unit of FTES shall be computed accordingly.

28 (4) Funds allocated under paragraph (2) shall supplement and
29 not supplant existing expenditures and may not be counted as the
30 district contribution for physical plant projects and instructional
31 material purchases funded in Item 6870-101-0001 of Section 2.00
32 of the annual Budget Act.

33 (f) For each fiscal year, commencing with the 2011–12 fiscal
34 year, to the 2014–15 fiscal year, inclusive, the sum transferred
35 pursuant to subparagraph (A) of paragraph (2) of subdivision (c)
36 shall be allocated by the Chancellor of the California Community
37 Colleges as follows: Forty-eight million dollars (\$48,000,000) to
38 the community colleges for the purpose of providing funding to
39 the community colleges to improve and expand career technical
40 education in public secondary education and lower division public

1 higher education pursuant to Section 88532, including the hiring
2 of additional faculty to expand the number of career technical
3 education programs and course offerings.

4 (g) The appropriations made under subdivision (c) are for the
5 purpose of discharging in full the minimum state educational
6 funding obligation to school districts and community college
7 districts pursuant to Section 8 of Article XVI of the California
8 Constitution and Chapter 213 of the Statutes of 2004 for the
9 2004–05 fiscal year, and the outstanding maintenance factor for
10 the 2005–06 fiscal year resulting from this additional payment of
11 the Chapter 213 amount for the 2004–05 fiscal year.

12 (h) For the purposes of making the computations required by
13 Section 8 of Article XVI of the California Constitution, including
14 computation of the state’s minimum funding obligation to school
15 districts and community college districts in subsequent fiscal years,
16 the first one billion six hundred twenty million nine hundred
17 twenty-eight thousand dollars (\$1,620,928,000) in appropriations
18 made pursuant to subdivision (c) shall be deemed to be “General
19 Fund revenues appropriated for school districts,” as defined in
20 subdivision (c) of Section 41202 and “General Fund Revenues
21 appropriated for community college districts,” as defined in
22 subdivision (d) of Section 41202, for the 2004–05 fiscal year and
23 included within the “total allocations to school districts and
24 community college districts from General Fund proceeds of taxes
25 appropriated pursuant to Article XIII B,” as defined in subdivision
26 (e) of Section 41202, for that fiscal year. The remaining
27 appropriations made pursuant to subdivision (c) shall be deemed
28 to be “General Fund revenues appropriated for school districts,”
29 as defined in subdivision (c) of Section 41202 and “General Fund
30 revenues appropriated for community college districts,” as defined
31 in subdivision (d) of Section 41202, for the 2005–06 fiscal year
32 and included within the “total allocations to school districts and
33 community college districts from General Fund proceeds of taxes
34 appropriated pursuant to Article XIII B,” as defined in subdivision
35 (e) of Section 41202, for that fiscal year.

36 (i) From funds appropriated under subdivision (c), the
37 Superintendent shall provide both of the following:

38 (1) Not more than two million dollars (\$2,000,000) annually to
39 county superintendents of schools to carry out the requirements
40 of this article, allocated in a manner similar to that created to carry

1 out the new duties of those superintendents under the settlement
2 agreement in the case of *Williams v. California* (Super. Ct. San
3 Francisco, No. CGC-00-312236).

4 (2) Five million dollars (\$5,000,000) in the 2007–08 fiscal year
5 to support regional assistance under Section 52055.730. It is the
6 intent of the Legislature that the Superintendent, along with county
7 offices of education, seek foundational and other financial support
8 to sustain and expand these services. Funds provided under this
9 paragraph that are not expended in the 2007–08 fiscal year shall
10 be reappropriated for use in subsequent fiscal years for the same
11 purpose.

12 (j) Notwithstanding any other provision of law, funds
13 appropriated under subdivision (c) but not allocated to schools
14 with kindergarten or grades 1 to 12, inclusive, in a fiscal year, due
15 to program termination in any year or otherwise, shall be available
16 for reappropriation only in furtherance of the purposes of this
17 article. First priority for those amounts shall be to provide
18 cost-of-living increases and enrollment growth adjustments to
19 funded schools.

20 (k) The sum of three hundred fifty thousand dollars (\$350,000)
21 is hereby appropriated from the General Fund to the State
22 Department of Education to fund 3.0 positions to implement this
23 article. Funding provided under this subdivision is not part of funds
24 provided pursuant to subdivision (c).

25 *SEC. 29. Section 52128.5 of the Education Code is amended*
26 *to read:*

27 52128.5. (a) Pursuant to the evaluation requirement in Section
28 52128, the Superintendent of ~~Public Instruction~~ and the ~~State Board~~
29 ~~of Education~~ *state board* shall develop and submit to the Governor
30 and the Legislature an evaluation research design on or before
31 November 30, 1997. The primary purpose of the evaluation
32 research design is to provide the method of assessment for the
33 evaluation of pupil achievement resulting from the reduction of
34 class size in kindergarten and grades 1 to 3, inclusive, commencing
35 with the 1996–97 school year.

36 (b) The evaluation research design ~~shall~~ also *shall* include the
37 method of assessment for the evaluation of secondary issues related
38 to the Class Size Reduction Program including, but not limited to,
39 the following:

40 (1) Teacher and parent satisfaction.

1 (2) The impact on other education programs, including, impact
2 on referrals and placements in programs such as the GATE program
3 and special education.

4 (3) The effect on school facilities.

5 (4) The effect on staff development activities.

6 (5) The impact on the quality of the teaching profession.

7 (6) The effect on instructional methodologies.

8 (c) The evaluation research design shall include short-term and
9 long-term methods of assessment of the implementation and
10 outcomes of the Class Size Reduction Program over a five-year
11 period.

12 (d) The evaluation research design shall be developed in
13 cooperation with an advisory panel for submittal to the ~~State Board~~
14 ~~of Education~~ *state board* for its approval. The advisory panel shall
15 include parents, teachers, administrators, school board members,
16 and representatives from the ~~State Board of Education and the~~
17 ~~Governor's Office of Child Development and Education~~ *state*
18 *board*. The advisory panel shall advise as to the estimated cost and
19 duration of the evaluation.

20 (e) Costs related to the evaluation research design and advisory
21 panel shall be funded from the existing Class Size Reduction
22 Program administrative budget within the ~~State Department of~~
23 ~~Education~~ *department*.

24 *SEC. 30. Chapter 8.5 (commencing with Section 52250) of*
25 *Part 28 of Division 4 of Title 2 of the Education Code is repealed.*

26 ~~SEC. 6:~~

27 *SEC. 31. Chapter 8.6 (commencing with Section 52270) of*
28 *Part 28 of Division 4 of Title 2 of the Education Code is repealed.*

29 ~~SEC. 7:~~

30 *SEC. 32. Article 3.5 (commencing with Section 52360) of*
31 *Chapter 9 of Part 28 of Division 4 of Title 2 of the Education Code*
32 *is repealed.*

33 ~~SEC. 8:~~

34 *SEC. 33. Chapter 16 (commencing with Section 53050) of Part*
35 *28 of Division 4 of Title 2 of the Education Code is repealed.*

36 ~~SEC. 9. Section 69984 of the Education Code is amended to~~
37 ~~read:~~

38 ~~69984. (a) (1) The board shall segregate moneys received by~~
39 ~~the Scholarshare trust into two funds, which shall be identified as~~
40 ~~the program fund and the administrative fund. Notwithstanding~~

1 Section 13340 of the Government Code, the program fund is hereby
2 continuously appropriated, without regard to fiscal years, to the
3 board for the purposes of this article. Funds in the administrative
4 fund shall be available for expenditure, upon appropriation, for
5 the purposes specified in this article.

6 (2) (A) ~~The board shall separately account for any moneys~~
7 ~~received by an entity exempt from taxation under Section 501(c)(3)~~
8 ~~of the Internal Revenue Code or a state or local government agency,~~
9 ~~depositing the money for the benefit of a beneficiary to be named~~
10 ~~later pursuant to the operation of a bona fide scholarship program.~~

11 (B) ~~There is hereby created the Scholarshare Investment Board,~~
12 ~~that consists of the Treasurer, the Director of Finance, a member~~
13 ~~of the Student Aid Commission appointed by the Governor, a~~
14 ~~member of the public appointed by the Governor, a representative~~
15 ~~from a California public institution of higher education appointed~~
16 ~~by the Senate Committee on Rules, and a representative from a~~
17 ~~California independent college or university or a state-approved~~
18 ~~college, university, or vocational/technical school appointed by~~
19 ~~the Speaker of the Assembly. The Treasurer shall serve as chair~~
20 ~~of the board. The board shall annually prepare and adopt a written~~
21 ~~statement of investment policy. The board shall consider the~~
22 ~~statement of investment policy and any changes in the investment~~
23 ~~policy at a public hearing. The board shall approve the investment~~
24 ~~management entity or entities consistent with subparagraph (D).~~

25 (C) ~~Not later than 30 days after the close of each month, the~~
26 ~~investment manager shall place on file for public inspection during~~
27 ~~business hours a report with respect to investment performance.~~
28 ~~The investment manager shall report the following information,~~
29 ~~to the extent applicable, to the board within 30 days following the~~
30 ~~end of each month:~~

31 (i) ~~The type of investment, name of the issuer, date of maturity,~~
32 ~~par and dollar amount invested in each security, investment, and~~
33 ~~money within the program fund.~~

34 (ii) ~~The weighted average maturity of the investments within~~
35 ~~the program fund.~~

36 (iii) ~~Any amounts in the program fund that are under the~~
37 ~~management of an investment manager.~~

38 (iv) ~~The market value as of the date of the report and the source~~
39 ~~of this valuation for any security within the program fund.~~

1 ~~(v) A description of the compliance with the statement of~~
2 ~~investment policy.~~

3 ~~(D) Moneys in the program fund may be invested or reinvested~~
4 ~~by the Treasurer or may be invested in whole or in part under~~
5 ~~contract with an investment manager, as determined by the board.~~

6 ~~(b) Transfers may be made from the program fund to the~~
7 ~~administrative fund for the purpose of paying operating costs~~
8 ~~associated with administering the Scholarshare trust and as required~~
9 ~~by this article. On an annual basis, expenditures from the~~
10 ~~administrative fund shall not exceed more than 1 percent of the~~
11 ~~total program fund. All costs of administration of the Scholarshare~~
12 ~~trust shall be paid out of the administrative fund.~~

13 ~~(e) All moneys paid by participants in connection with~~
14 ~~participation agreements shall be deposited as received into the~~
15 ~~program fund, and shall be promptly invested and accounted for~~
16 ~~separately. Deposits and interest thereon accumulated on behalf~~
17 ~~of participants in the program fund of the Scholarshare trust may~~
18 ~~be used for payments to any institution of higher education.~~

19 *SEC. 34. Section 53075 of the Education Code is repealed.*

20 ~~53075. Subject to funding being appropriated in the annual~~
21 ~~Budget Act for this purpose, the Secretary for Education shall~~
22 ~~contract for the development and establishment of a public~~
23 ~~involvement campaign to inform Californians that promoting~~
24 ~~reading in the public schools as a key to success in life is the~~
25 ~~responsibility of all Californians. The campaign shall address, but~~
26 ~~not necessarily be limited to, promoting family reading activities,~~
27 ~~encouraging private sector support for child literacy programs,~~
28 ~~and publicizing the importance of reading skills for academic~~
29 ~~success.~~

30 ~~Elected officials and declared candidates for partisan public~~
31 ~~office may not appear in promotional materials for the reading~~
32 ~~campaign.~~

33 *SEC. 35. Section 56030.5 of the Education Code is amended*
34 *to read:*

35 56030.5. “Severely disabled” means individuals with
36 exceptional needs who require intensive instruction and training
37 in programs serving pupils with the following profound disabilities:
38 autism, blindness, deafness, severe orthopedic impairments, serious
39 emotional disturbances, severe ~~mental retardation~~ *intellectual*
40 *disability*, and those individuals who would have been eligible for

1 enrollment in a development center for handicapped pupils under
2 Chapter 6 (commencing with Section 56800) of this part, as it read
3 on January 1, 1980.

4 *SEC. 36. Section 56337 of the Education Code is amended to*
5 *read:*

6 56337. (a) A specific learning disability, as defined in Section
7 1401(30) of Title 20 of the United States Code, means a disorder
8 in one or more of the basic psychological processes involved in
9 understanding or in using language, spoken or written, which may
10 manifest itself in the imperfect ability to listen, think, speak, read,
11 write, spell, or perform mathematical calculations. The term
12 “specific learning disability” includes conditions such as perceptual
13 disabilities, brain injury, minimal brain dysfunction, dyslexia, and
14 developmental aphasia. That term does not include a learning
15 problem that is primarily the result of visual, hearing, or motor
16 disabilities, of ~~mental retardation~~ *intellectual disabilities*, of
17 emotional disturbance, or of environmental, cultural, or economic
18 disadvantage.

19 (b) Notwithstanding any other ~~provision of~~ law and pursuant to
20 Section 1414(b)(6) of Title 20 of the United States Code, in
21 determining whether a pupil has a specific learning disability as
22 defined in subdivision (a), a local educational agency is not
23 required to take into consideration whether a pupil has a severe
24 discrepancy between achievement and intellectual ability in oral
25 expression, listening comprehension, written expression, basic
26 reading skill, reading comprehension, mathematical calculation,
27 or mathematical reasoning.

28 (c) In determining whether a pupil has a specific learning
29 disability, a local educational agency may use a process that
30 determines if the pupil responds to scientific, research-based
31 intervention as a part of the assessment procedures described in
32 Section 1414(b)(2) and (3) of Title 20 of the United States Code
33 and covered in Sections 300.307 to 300.311, inclusive, of Title 34
34 of the Code of Federal Regulations.

35 *SEC. 37. Section 56363 of the Education Code is amended to*
36 *read:*

37 56363. (a) As used in this part, the term “designated instruction
38 and services” means “related services” as that term is defined in
39 Section 1401(26) of Title 20 of the United States Code and Section
40 300.34 of Title 34 of the Code of Federal Regulations. The term

1 “related services” means transportation, and such developmental,
2 corrective, and other supportive services (including
3 speech-language pathology and audiology services, interpreting
4 services, psychological services, physical and occupational therapy,
5 recreation, including therapeutic recreation, social work services,
6 school nurse services designed to enable an individual with
7 exceptional needs to receive a free appropriate public education
8 as described in the individualized education program of the child,
9 counseling services, including rehabilitation counseling,
10 orientation, and mobility services, and medical services, except
11 that such medical services shall be for diagnostic and evaluation
12 purposes only) as may be required to assist an individual with
13 exceptional needs to benefit from special education, and includes
14 the early identification and assessment of disabling conditions in
15 children.

16 (b) These services may include, but are not limited to, the
17 following:

18 (1) Language and speech development and remediation. The
19 language and speech development and remediation services may
20 be provided by a speech-language pathology assistant as defined
21 in subdivision—(f) (i) of Section 2530.2 of the Business and
22 Professions Code.

23 (2) Audiological services.

24 (3) Orientation and mobility services.

25 (4) Instruction in the home or hospital.

26 (5) Adapted physical education.

27 (6) Physical and occupational therapy.

28 (7) Vision services.

29 (8) Specialized driver training instruction.

30 (9) Counseling and guidance services, including rehabilitation
31 counseling.

32 (10) Psychological services other than assessment and
33 development of the individualized education program.

34 (11) Parent counseling and training.

35 (12) Health and nursing services, including school nurse services
36 designed to enable an individual with exceptional needs to receive
37 a free appropriate public education as described in the
38 individualized education program.

39 (13) Social worker services.

1 (14) Specially designed vocational education and career
2 development.

3 (15) Recreation services.

4 (16) Specialized services for low-incidence disabilities, such as
5 readers, transcribers, and vision and hearing services.

6 (17) Interpreting services.

7 (c) The terms “designated instruction and services” and “related
8 services” do not include a medical device that is surgically
9 implanted, including cochlear implants, the optimization of the
10 functioning of a medical device, maintenance of that device, or
11 the replacement of that device, pursuant to Section 300.34(b) of
12 Title 34 of the Code of Federal Regulations. In accordance with
13 Section 300.34(b) of Title 34 of the Code of Federal Regulations,
14 nothing in this subdivision shall do any of the following:

15 (1) Limit the right of an individual with exceptional needs with
16 a surgically implanted device, including a cochlear implant, to
17 receive related services or designated instruction and services that
18 are determined by the individualized education program team to
19 be necessary for the individual to receive a free appropriate public
20 education.

21 (2) Limit the responsibility of a local educational agency to
22 appropriately monitor and maintain medical devices that are needed
23 to maintain the health and safety of the individual, including
24 breathing, nutrition, or operation of other bodily functions, while
25 the individual is transported to and from school or is at school.

26 (3) Prevent the routine checking of an external component of a
27 surgically implanted device to make sure it is functioning properly,
28 as required by Section 300.113(b) of Title 34 of the Code of
29 Federal Regulations.

30 *SEC. 38. Section 56441.11 of the Education Code is amended*
31 *to read:*

32 56441.11. (a) Notwithstanding any other ~~provision of law or~~
33 regulation, the special education eligibility criteria in subdivision
34 (b) shall apply to preschool children, between the ages of three
35 and five years.

36 (b) A preschool child, between the ages of three and five years,
37 qualifies as a child who needs early childhood special education
38 services if the child meets the following criteria:

39 (1) Is identified as having one of the following disabling
40 conditions, as defined in Section 300.8 of Title 34 of the Code of

1 Federal Regulations, or an established medical disability, as defined
2 in subdivision (d):

- 3 (A) Autism.
- 4 (B) Deaf-blindness.
- 5 (C) Deafness.
- 6 (D) Hearing impairment.
- 7 (E) ~~Mental retardation~~ *Intellectual disability*.
- 8 (F) Multiple disabilities.
- 9 (G) Orthopedic impairment.
- 10 (H) Other health impairment.
- 11 (I) Serious emotional disturbance.
- 12 (J) Specific learning disability.
- 13 (K) Speech or language impairment in one or more of voice,
14 fluency, language and articulation.
- 15 (L) Traumatic brain injury.
- 16 (M) Visual impairment.
- 17 (N) Established medical disability.

18 (2) Needs specially designed instruction or services as defined
19 in Sections 56441.2 and 56441.3.

20 (3) Has needs that cannot be met with modification of a regular
21 environment in the home or school, or both, without ongoing
22 monitoring or support as determined by an individualized education
23 program team pursuant to Section 56431.

24 (4) Meets eligibility criteria specified in Section 3030 of Title
25 5 of the California Code of Regulations.

26 (c) A child is not eligible for special education and services if
27 the child does not otherwise meet the eligibility criteria and his or
28 her educational needs are due primarily to:

- 29 (1) Unfamiliarity with the English language.
- 30 (2) Temporary physical disabilities.
- 31 (3) Social maladjustment.
- 32 (4) Environmental, cultural, or economic factors.

33 (d) For purposes of this section, “established medical disability”
34 ~~is defined as~~ *means* a disabling medical condition or congenital
35 syndrome that the individualized education program team
36 determines has a high predictability of requiring special education
37 and services.

38 (e) When standardized tests are considered invalid for children
39 between the ages of three and five years, alternative means,

1 including scales, instruments, observations, and interviews, shall
2 be used as specified in the assessment plan.

3 (f) In order to implement the eligibility criteria in subdivision
4 (b), the Superintendent shall *do all of the following*:

5 (1) Provide for training in developmentally appropriate practices,
6 alternative assessment, and placement options.

7 (2) Provide a research-based review for developmentally
8 appropriate application criteria for young children.

9 (3) Provide program monitoring for appropriate use of the
10 eligibility criteria.

11 (g) If legislation is enacted mandating early intervention services
12 to infants and toddlers with disabilities pursuant to the federal
13 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400
14 et seq.), the Superintendent shall reconsider the eligibility criteria
15 for preschool children, between the ages of three and five years,
16 and recommend appropriate changes to the Legislature.

17 *SEC. 39. Section 60855 of the Education Code is amended to*
18 *read:*

19 60855. (a) By January 15, 2000, the Superintendent of ~~Public~~
20 ~~Instruction~~ shall contract for a multiyear independent evaluation
21 of the high school exit examination that is established pursuant to
22 this chapter. The evaluation shall be based upon information
23 gathered in field testing and annual administrations of the
24 examination and shall include all of the following:

25 (1) Analysis of pupil performance, broken down by grade level,
26 gender, race or ethnicity, and subject matter of the examination,
27 including ~~any~~ trends that become apparent over time.

28 (2) Analysis of the exit examination's effects, if any, on college
29 attendance, pupil retention, graduation, and dropout rates, including
30 analysis of these effects on the population subgroups described in
31 subdivision (b).

32 (3) Analysis of whether the exit examination is likely to have,
33 or has, differential effects, whether beneficial or detrimental, on
34 population subgroups described in subdivision (b).

35 (b) Evaluations conducted pursuant to this section shall
36 separately consider test results for each of the following population
37 subgroups, provided that information concerning individuals shall
38 not be gathered or disclosed in the process of preparing this
39 evaluation.

40 (1) English language learners and non-English language learners.

1 (2) Individuals with exceptional needs and individuals without
2 exceptional needs.

3 (3) Pupils ~~that~~ *who* qualify for free or reduced price meals and
4 are enrolled in schools that qualify for assistance under Title 1 of
5 the Improving America's Schools Act of 1994 (P.L. 103-382) and
6 pupils that do not qualify for free or reduced price meals and are
7 not enrolled in schools that qualify for assistance under Title 1 of
8 the Improving America's Schools Act of 1994 (P.L. 103-382).

9 (4) Any group of pupils that has been determined by the
10 independent evaluator to be differentially affected by the exit
11 examination established pursuant to this chapter.

12 (c) Evaluation reports shall include recommendations to improve
13 the quality, fairness, validity, and reliability of the examination.
14 The independent evaluator ~~may~~ also *may* make recommendations
15 for revisions in design, administration, scoring, processing, or use
16 of the examination.

17 (d) The independent evaluator shall report to the Governor, the
18 Office of the Legislative Analyst, the Superintendent ~~of Public~~
19 ~~Instruction, the State Board of Education, the Secretary for~~
20 ~~Education, the state board,~~ and the chairs of the education policy
21 committees in both houses of the Legislature, in accordance with
22 the following schedule:

23 (1) Preliminary report on field testing by July 1, 2000.

24 (2) First annual report by February 1, 2002.

25 (3) Regular biennial reports by February 1 of even-numbered
26 years following 2002.

27 *SEC. 40. Section 60900 of the Education Code is amended to*
28 *read:*

29 60900. (a) The department shall contract for the development
30 of proposals which will provide for the retention and analysis of
31 longitudinal pupil achievement data on the tests administered
32 pursuant to Chapter 5 (commencing with Section 60600), Chapter
33 7 (commencing with Section 60810), and Chapter 9 (commencing
34 with Section 60850). The longitudinal data shall be known as the
35 California Longitudinal Pupil Achievement Data System.

36 (b) The proposals developed pursuant to subdivision (a) shall
37 evaluate and determine whether it would be most effective, from
38 both a fiscal and a technological perspective, for the state to own
39 the system. The proposals shall additionally evaluate and determine
40 the most effective means of housing the system.

1 (c) The California Longitudinal Pupil Achievement Data System
2 shall be developed and implemented in accordance with all state
3 rules and regulations governing information technology projects.

4 (d) The system or systems developed pursuant to this section
5 shall be used to accomplish all of the following goals:

6 (1) To provide school districts and the department access to
7 data necessary to comply with federal reporting requirements
8 delineated in the federal No Child Left Behind Act of 2001 (20
9 U.S.C. Sec. 6301 et seq.).

10 (2) To provide a better means of evaluating educational progress
11 and investments over time.

12 (3) To provide local educational agencies information that can
13 be used to improve pupil achievement.

14 (4) To provide an efficient, flexible, and secure means of
15 maintaining longitudinal statewide pupil level data.

16 (5) To facilitate the ability of the state to publicly report data,
17 as specified in Section 6401(e)(2)(D) of the federal America
18 COMPETES Act (20 U.S.C. Sec. 9871) and as required by the
19 federal American Recovery and Reinvestment Act of 2009 (Public
20 Law 111-5).

21 (6) To ensure that any data access provided to researchers, as
22 required pursuant to the federal Race to the Top regulations and
23 guidelines is provided, only to the extent that the data access is in
24 compliance with the federal Family Educational Rights and Privacy
25 Act of 1974 (20 U.S.C. Sec. 1232g).

26 (e) In order to comply with federal law as delineated in the No
27 Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), the
28 local educational agency shall retain individual pupil records for
29 each test taker, including all of the following:

30 (1) All demographic data collected from the STAR Program
31 test, high school exit examination, and English language
32 development tests.

33 (2) Pupil achievement data from assessments administered
34 pursuant to the STAR Program, high school exit examination, and
35 English language development testing programs. To the extent
36 feasible, data should include subscore data within each content
37 area.

38 (3) A unique pupil identification number to be identical to the
39 pupil identifier developed pursuant to the California School
40 Information Services, which shall be retained by each local

1 educational agency and used to ensure the accuracy of information
2 on the header sheets of the STAR Program tests, high school exit
3 examination, and the English language development test.

4 (4) All data necessary to compile reports required by the federal
5 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),
6 including, but not limited to, dropout and graduation rates.

7 (5) Other data elements deemed necessary by the
8 Superintendent, with approval of the state board, to comply with
9 the federal reporting requirements delineated in the No Child Left
10 Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), and the
11 American Recovery and Reinvestment Act of 2009 (Public Law
12 111-5), after review and comment by the advisory board convened
13 pursuant to subdivision (h). ~~Prior to~~ *Before* the implementation of
14 this paragraph with respect to adding data elements to the
15 California Longitudinal Pupil Achievement Data System for the
16 purpose of complying with the American Recovery and
17 Reinvestment Act of 2009 (Public Law 111-5), the department
18 and the appropriate postsecondary education agencies shall submit
19 an expenditure plan to the Department of Finance detailing any
20 administrative costs to the department and costs to any local
21 educational agency, if applicable. The Department of Finance shall
22 provide to the Joint Legislative Budget Committee a copy of the
23 expenditure plan within 10 days of receipt of the expenditure plan
24 from the department.

25 (6) To enable the department, the University of California, the
26 California State University, and the Chancellor of the California
27 Community Colleges, to meet the requirements prescribed by the
28 federal American Recovery and Reinvestment Act of 2009 (Public
29 Law 111-5), these entities shall be authorized to obtain quarterly
30 wage data, commencing July 1, 2010, on students who have
31 attended their respective systems, to assess the impact of education
32 on the employment and earnings of those students, to conduct the
33 annual analysis of district-level and individual district or
34 postsecondary education system performance in achieving priority
35 educational outcomes, and to submit the required reports to the
36 Legislature and the Governor. The information shall be provided
37 to the extent permitted by federal statutes and regulations.

38 (f) The California Longitudinal Pupil Achievement Data System
39 shall have all of the following characteristics:

1 (1) The ability to sort by demographic element collected from
2 the STAR Program tests, high school exit examination, and English
3 language development test.

4 (2) The capability to be expanded to include pupil achievement
5 data from multiple years.

6 (3) The capability to monitor pupil achievement on the STAR
7 Program tests, high school exit examination, and English language
8 development test from year to year and school to school.

9 (4) The capacity to provide data to the state and local educational
10 agencies upon their request.

11 (g) Data elements and codes included in the system shall comply
12 with Sections 49061 to 49079, inclusive, and Sections 49602 and
13 56347, with Sections 430 to 438, inclusive, of Title 5 of the
14 California Code of Regulations, with the Information Practices
15 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title
16 1.8 of Part 4 of Division 3 of the Civil Code), and with the federal
17 Family Education Rights and Privacy Act (20 U.S.C. Sec. 1232g),
18 Section 1242h of Title 20 of the United States Code, and related
19 federal regulations.

20 (h) The department shall convene an advisory board consisting
21 of representatives from the state board, ~~the Secretary for Education,~~
22 the Department of Finance, the State Privacy Ombudsman, the
23 Legislative Analyst's Office, representatives of parent groups,
24 school districts, and local educational agencies, and education
25 researchers to establish privacy and access protocols, provide
26 general guidance, and make recommendations relative to data
27 elements. The department is encouraged to seek representation
28 broadly reflective of the general public of California.

29 (i) Subject to funding being provided in the annual Budget Act,
30 the department shall contract with a consultant for independent
31 project oversight. The Director of Finance shall review the request
32 for proposals for the contract. The consultant hired to conduct the
33 independent project oversight shall twice annually submit a written
34 report to the Superintendent, the state board, the advisory board,
35 the Director of Finance, the Legislative Analyst, and the
36 appropriate policy and fiscal committees of the Legislature. The
37 report shall include an evaluation of the extent to which the
38 California Longitudinal Pupil Achievement Data System is meeting
39 the goals described in subdivision (d) and recommendations to
40 improve the data system in ensuring the privacy of individual pupil

1 information and providing the data needed by the state and school
2 districts.

3 (j) This section shall be implemented using federal funds
4 received pursuant to the No Child Left Behind Act of 2001 (20
5 U.S.C. Sec. 6301 et seq.), which are appropriated for purposes of
6 this section in Item 6110-113-0890 of Section 2.00 of the Budget
7 Act of 2002 (Chapter 379 of the Statutes of 2002). The release of
8 these funds is contingent on approval of an expenditure plan by
9 the Department of Finance.

10 (k) For purposes of this chapter, a local educational agency shall
11 include a county office of education, a school district, ~~or~~ and a
12 charter school.

13 *SEC. 41. Chapter 2 (commencing with Section 63050) of Part*
14 *35 of Division 4 of Title 2 of the Education Code is repealed.*

15 *SEC. 42. Section 42630 of the Public Resources Code is*
16 *amended to read:*

17 42630. (a) It is the intent of the Legislature, by enacting this
18 chapter, to accomplish all of the following:

19 (1) Every school district and schoolsite in this state will be
20 encouraged to implement source reduction, recycling, and
21 composting programs that would do all of the following:

22 (A) Reduce waste and conserve resources.

23 (B) Provide pupils with a “hands-on” learning experience.

24 (C) Minimize the expenditure of taxpayer and education dollars
25 on solid waste collection and disposal.

26 (2) School districts and individual schoolsites will cooperate
27 with cities and counties in developing plans and programs to meet
28 and exceed the state’s 50 percent waste reduction and recycling
29 mandate.

30 (3) To the maximum extent feasible, school districts and schools
31 will utilize products and supplies made from recycled materials.

32 (4) The State Department of Education, *the* State Board of
33 Education, the California Environmental Protection Agency, and
34 the *Natural* Resources Agency, will coordinate efforts in the
35 development, dissemination, and promotion of the use of
36 environmental education programs for pupils.

37 (b) The Legislature, therefore, declares that school districts
38 throughout the state should be assisted in establishing and
39 implementing source reduction and recycling programs.

1 *SEC. 43. Section 42645 of the Public Resources Code is*
2 *repealed.*

3 ~~42645. (a) The board, in consultation with the State~~
4 ~~Department of Education, the State Board of Education, and the~~
5 ~~Secretary for Education, shall establish a program to provide grants~~
6 ~~to school districts and schools to assist in the development and~~
7 ~~implementation of educational programs and to promote the use~~
8 ~~of existing educational programs to teach the concepts of source~~
9 ~~reduction, recycling, and composting.~~

10 ~~(b) The board, in consultation with the State Department of~~
11 ~~Education, the State Board of Education, and the Secretary for~~
12 ~~Education, shall adopt criteria for awarding grants pursuant to this~~
13 ~~article, including, but not limited to, the grant's structure, the~~
14 ~~schedule for awarding grants, and grant amount limits. This criteria~~
15 ~~shall include, but not be limited to, a procedure for the geographic~~
16 ~~distribution of the grants and the appropriate representation of~~
17 ~~elementary, middle, and high school as grant recipients. In adopting~~
18 ~~this criteria, the board shall include, in the criteria, the extent to~~
19 ~~which an office, a school district, or a school has demonstrated a~~
20 ~~commitment to achieving the following goals:~~

21 ~~(1) The adoption of waste reduction and recycling programs~~
22 ~~and practices.~~

23 ~~(2) The adoption and implementation of the unified education~~
24 ~~strategy adopted pursuant to Part 4 (commencing with Section~~
25 ~~71300) of Division 34.~~

26 ~~(3) The allocation of adequate space for the safe collection,~~
27 ~~storage, and loading of recyclable materials.~~

28 ~~(4) To the maximum extent feasible, the use of recycled~~
29 ~~materials and environmentally preferable products in the~~
30 ~~construction or modernization of public school facilities.~~

31 ~~(5) Participation in the environmental ambassador pilot program~~
32 ~~established pursuant to Section 51226.4 of the Education Code.~~

33 ~~(c) Notwithstanding Chapter 3.5 (commencing with Section~~
34 ~~11340) of Part 1 of Division 3 of Title 2 of the Government Code,~~
35 ~~the adoption of criteria for the awarding of grants pursuant to this~~
36 ~~article is not the adoption of a regulation, and is exempt from the~~
37 ~~requirements of that chapter.~~

38 *SEC. 44. Section 71300 of the Public Resources Code is*
39 *amended to read:*

1 71300. (a) For purposes of this part “office” means the Office
2 of Education and the Environment of the California Environmental
3 Protection Agency, as established pursuant to this section.

4 (b) The Office of Education and the Environment is hereby
5 established in the California Environmental Protection Agency.
6 The office shall report to the Secretary for Environmental
7 Protection. The office shall dedicate its effort to implementing the
8 statewide environmental educational program prescribed pursuant
9 to this part. The office, through staffing and resources, shall give
10 a high priority to implementing the statewide environmental
11 education program.

12 (c) The office, under the direction of the Secretary for
13 Environmental Protection, in cooperation with the State Department
14 of Education; ~~and the State Board of Education, and the Secretary~~
15 ~~for Education~~, shall develop and implement a unified education
16 strategy on the environment for elementary and secondary schools
17 in the state. The office shall develop a unified education strategy
18 to do all of the following:

19 (1) Coordinate instructional resources and strategies for
20 providing active pupil participation with onsite conservation efforts.

21 (2) Promote service-learning opportunities between schools and
22 local communities.

23 (3) Assess the impact to participating pupils of the unified
24 education strategy on pupil achievement and resource conservation.

25 (4) On or before June 30, 2006, the office shall report to the
26 Legislature and the Governor on its progress in developing,
27 implementing, and assessing the unified education strategy.

28 (d) The State Department of Education; ~~and the State Board of~~
29 ~~Education, and Secretary for Education~~ shall develop and
30 implement to the extent feasible, a teacher training and
31 implementation plan, to guide the implementation of the unified
32 education strategy, for the education of pupils, faculty, and
33 administrators on the importance of integrating environmental
34 concepts and programs in schools throughout the state. The strategy
35 shall project the phased implementation of elementary, middle,
36 and high school programs.

37 (e) In implementing this part, the office may hold public
38 meetings to receive and respond to comments from affected state
39 agencies, stakeholders, and the public regarding the development
40 of resources and materials pursuant to this part.

(f) In implementing this part, the office shall coordinate with other agencies and groups with expertise in education and the environment, including, but not limited to, the California Environmental Education Interagency Network.

(g) Any instructional materials developed pursuant to this part shall be subject to the requirements of Chapter 1 (commencing with Section 60000) of Part 33 of *Division 4 of Title 2 of the Education Code*, including, but not limited to, reviews for legal and social compliance before the materials may be used in elementary or secondary public schools.

SEC. 45. Section 71301 of the Public Resources Code is amended to read:

71301. (a) As part of the unified education strategy, the office, under the direction of the Secretary for Environmental Protection, in cooperation with the Natural Resources Agency, the State Department of Education, ~~and the State Board of Education, and the Secretary for Education,~~ shall develop education principles for the environment for elementary and secondary school pupils. The principles may be updated every four years beginning July 1, 2008. The principles shall be aligned to the academic content standards adopted by the State Board of Education pursuant to Section 60605 of the Education Code. The principles shall be used to do all of the following:

(1) To direct state agencies that include environmental education components for elementary and secondary education in regulatory decisions or enforcement actions.

(2) To align state agency environmental education programs and materials that are developed for elementary and secondary education.

(b) The education principles for the environment shall include, but not be limited to, concepts relating to the following topics:

(1) Environmental sustainability.

(2) Water.

(3) Air.

(4) Energy.

(5) Forestry.

(6) Fish and wildlife resources.

(7) Oceans.

(8) Toxics and hazardous waste.

(9) Integrated waste management.

- 1 (10) Integrated pest management.
- 2 (11) Public health and the environment.
- 3 (12) Pollution prevention.
- 4 (13) Resource conservation and recycling.
- 5 (14) Environmental justice.

6 (c) The principles shall be aligned to the applicable academic
7 content standards adopted by the State Board of Education and
8 shall not duplicate or conflict with any academic content standards.

9 (d) (1) The education principles for the environment shall be
10 incorporated, as the State Board of Education determines to be
11 appropriate, in criteria developed for textbook adoption required
12 pursuant to Section 60200 or 60400 of the Education Code in
13 Science, Mathematics, English/Language Arts, and History/Social
14 Sciences.

15 (2) If the State Board of Education determines that the education
16 principles for the environment are not appropriate for inclusion in
17 the textbook adoption criteria cited in paragraph (1), the State
18 Board of Education shall collaborate with the office to make the
19 changes necessary to ensure that the principles are included in the
20 textbook adoption criteria in Science, Mathematics,
21 English/Language Arts, and History/Social Sciences.

22 (e) If the content standards required pursuant to Section 60605
23 of the Education Code are revised, the education principles for the
24 environment shall be appropriately considered for inclusion into
25 part of the revised academic content standards.

26 *SEC. 46. Section 2102 of the Welfare and Institutions Code is*
27 *repealed.*

28 ~~2102. It is the goal of the Legislature in enacting this chapter~~
29 ~~to do all of the following:~~

30 ~~(a) To give every young person in California access to a quality~~
31 ~~mentoring relationship. This shall be accomplished by sustaining~~
32 ~~or growing the state's resources under the auspices of the~~
33 ~~Governor's Mentoring Partnership, to the extent those resources~~
34 ~~are available. The Legislature recognizes the efforts of state~~
35 ~~departments who have supported local mentor programs under the~~
36 ~~Governor's Mentoring Partnership, including the State Department~~
37 ~~of Alcohol and Drug Programs, the California Conservation Corps,~~
38 ~~the Department of the Youth Authority, the Governor's Office on~~
39 ~~Service and Volunteerism, the Department of Community Services~~
40 ~~and Development, the State Department of Education, the State~~

1 Department of Health Services, the Department of Justice, the
2 Office of the Secretary for Education, and the Office of Criminal
3 Justice Planning. This base of support shall be sustained or
4 increased predicated upon the performance outcomes in
5 successfully addressing the four risk factors, and in ensuring that
6 youth are problem free, and fully prepared for the responsibilities
7 and challenges of adulthood.

8 (b) ~~To direct consideration towards identifying opportunities~~
9 ~~for increased private sector investment in the support and expansion~~
10 ~~of mentoring.~~

11 (c) ~~To encourage state agencies and departments to collaborate~~
12 ~~to build youth developmental assets.~~

13 *SEC. 47. Section 4341.1 of the Welfare and Institutions Code*
14 *is amended to read:*

15 4341.1. (a) The task force funded by Schedule (a) of Item
16 4440-001-0001 of Section 2.00 of the Budget Act of 2000 (Ch.
17 52, Stats. 2000) to address and identify options for meeting the
18 staffing needs of state and county health, human services, and
19 criminal justice agencies shall include a representative from the
20 State Department of Mental Health, who shall serve as chair, the
21 Secretary of the Health and Human Services Agency or his or her
22 designee, a representative of the Youth and Adult Correctional
23 Agency, ~~the Secretary for Education or his or her designee~~, a
24 representative of the California Mental Health Planning Council,
25 and representatives of the University of California, including the
26 University of California medical schools and medical residency
27 training programs, the California State University, the California
28 Community Colleges, the California School Boards Association,
29 the Association of California School Administrators, the Medical
30 Board of California, the Board of Behavioral Sciences, the Board
31 of Psychology, the California Mental Health Directors Association,
32 the California Council of Community Mental Health Agencies,
33 the National Alliance for the Mentally Ill-California, the California
34 Network of Mental Health Clients, the United Advocates for
35 Children of California, and the California Alliance of Child and
36 Family Services. The State Department of Mental Health shall
37 provide staff to the task force.

38 (b) The task force shall do all of the following:

1 (1) Study the shortage of mental health workers in publicly
2 funded mental health services and develop recommendations for
3 expansion of all of the following:

4 (A) Programs such as the Human Services Academy currently
5 established by the Mental Health Association of Los Angeles and
6 the Los Angeles Unified School District to offer high school
7 students education about mental health problems, services, and
8 information about the meaning and value to society of service in
9 publicly funded mental health care.

10 (B) Programs that expand graduate school programs.

11 (C) Ways to expand the utilization of those who have been
12 consumers of mental health services.

13 (D) Ways to engage community college students, four-year
14 college undergraduates, and college graduates in careers leading
15 to mental health service.

16 (E) Efforts to change the curriculum of programs, undergraduate,
17 graduate, and postgraduate, including medical residency programs,
18 that could lead to employment in public mental health programs
19 to make sure there is clinical training and education that
20 complements and supports employment in public mental health
21 programs.

22 (F) Revisions, as may be necessary, to licensing requirements
23 including recommendations for proposed legislation, and scope
24 of practice issues that maximize the opportunity to utilize
25 consumers and are consistent with the types of services likely to
26 be required to serve seriously emotionally disturbed children and
27 severely mentally ill adults who need a wide array of services as
28 set forth in the children's and adults' systems of care.

29 (G) Financial supports in the form of stipends, loan forgiveness,
30 or other programs that could be accomplished through state or
31 federal funds that would further support the need for employment.

32 (2) Annually quantify the need for different types of providers
33 in different regions of the state including the cost, positions, and
34 projected future needs.

35 (3) Evaluate the impact of competition from the private sector
36 on the availability of mental health professionals in the public
37 sector.

38 (4) Address other issues of collaboration and coordination
39 between the educational system, the licensing boards, and the

1 mental health system that are impeding progress in expanding the
2 mental health workforce.

3 (5) Address issues of collaboration and coordination within the
4 various levels of the educational system that are impeding progress
5 in expanding the mental health workforce.

6 (6) Develop recommendations to ensure all of the following:

7 (A) Two-year and four-year colleges have sufficient capacity
8 to train all the mental health staff needed.

9 (B) Issues that obstruct development of a career ladder between
10 two-year and four-year schools are eliminated.

11 (C) Community college programs have clear delineation of both
12 skills and theory that need to be mastered for each type of position.

13 (D) There are new certificate programs for psychosocial
14 rehabilitation at the community college level and post baccalaureate
15 case management.

16 (7) Examine options for collaboration on curriculum between
17 employees in the public mental health system, and high schools,
18 community colleges, and undergraduate and graduate education
19 programs.

20 (c) The task force shall issue a progress report to the Legislature
21 on its findings on or before May 1, 2001, and shall issue a final
22 report to the Legislature on or before May 1, 2002.

23 *SEC. 48. Section 4380 of the Welfare and Institutions Code is*
24 *amended to read:*

25 4380. Subject to the availability of funding each year, the
26 Legislature authorizes the director, in consultation with ~~the~~
27 ~~Secretary of Child Development and Education and the~~
28 Superintendent of Public Instruction, to award matching grants to
29 local educational agencies to pay the state share of the costs of
30 providing programs that provide school-based early mental health
31 intervention and prevention services to eligible pupils at schoolsites
32 of eligible pupils, as follows:

33 (a) The director shall award matching grants pursuant to this
34 chapter to local educational agencies throughout the state.

35 (b) Matching grants awarded under this part shall be awarded
36 for a period of not more than three years and no single schoolsite
37 shall be awarded more than one grant, except for a schoolsite that
38 received a grant prior to July 1, 1992.

39 (c) The director shall pay to each local educational agency
40 having an application approved pursuant to requirements in this

1 part the state share of the cost of the activities described in the
2 application.

3 (d) Commencing July 1, 1993, the state share of matching grants
4 shall be a maximum of 50 percent in each of the three years.

5 (e) Commencing July 1, 1993, the local share of matching grants
6 shall be at least 50 percent, from a combination of school district
7 and cooperating entity funds.

8 (f) The local share of the matching grant may be in cash or
9 payment in-kind.

10 (g) Priority shall be given to those applicants that demonstrate
11 the following:

12 (1) The local educational agency will serve the greatest number
13 of eligible pupils from low-income families.

14 (2) The local educational agency will provide a strong parental
15 involvement component.

16 (3) The local educational agency will provide supportive services
17 with one or more cooperating entities.

18 (4) The local educational agency will provide services at a low
19 cost per child served in the project.

20 (5) The local educational agency will provide programs and
21 services that are based on adoption or modification, or both, of
22 existing programs that have been shown to be effective. No more
23 than 20 percent of the grants awarded by the director may be
24 utilized for new models.

25 (6) The local educational agency will provide services to
26 children who are in out-of-home placement or who are at risk of
27 being in out-of-home placement.

28 (h) Eligible supportive services may include the following:

29 (1) Individual and group intervention and prevention services.

30 (2) Parent involvement through conferences or training, or both.

31 (3) Teacher and staff conferences and training related to meeting
32 project goals.

33 (4) Referral to outside resources when eligible pupils require
34 additional services.

35 (5) Use of paraprofessional staff, who are trained and supervised
36 by credentialed school psychologists, school counselors, or school
37 social workers, to meet with pupils on a short-term weekly basis,
38 in a one-on-one setting as in the Primary Intervention Program
39 established pursuant to Chapter 4 (commencing with Section 4343)
40 of Part 3. A minimum of 80 percent of the grants awarded by the

1 director shall include the basic components of the Primary
2 Intervention Program.

3 (6) Any other service or activity that will improve the mental
4 health of eligible pupils.

5 Prior to participation by an eligible pupil in either individual or
6 group services, consent of a parent or guardian shall be obtained.

7 (i) Each local educational agency seeking a grant under this
8 chapter shall submit an application to the director at the time, in
9 a manner, and accompanied by any information the director may
10 reasonably require.

11 (j) Each matching grant application submitted shall include all
12 of the following:

13 (1) Documentation of need for the school-based early mental
14 health intervention and prevention services.

15 (2) A description of the school-based early mental health
16 intervention and prevention services expected to be provided at
17 the schoolsite.

18 (3) A statement of program goals.

19 (4) A list of cooperating entities that will participate in the
20 provision of services. A letter from each cooperating entity
21 confirming its participation in the provision of services shall be
22 included with the list. At least one letter shall be from a cooperating
23 entity confirming that it will agree to screen referrals of low-income
24 children the program has determined may be in need of mental
25 health treatment services and that, if the cooperating entity
26 determines that the child is in need of those services and if the
27 cooperating entity determines that according to its priority process
28 the child is eligible to be served by it, the cooperating entity will
29 agree to provide those mental health treatment services.

30 (5) A detailed budget and budget narrative.

31 (6) A description of the proposed plan for parent involvement
32 in the program.

33 (7) A description of the population anticipated to be served,
34 including number of pupils to be served and socioeconomic
35 indicators of sites to receive funds.

36 (8) A description of the matching funds from a combination of
37 local education agencies and cooperating entities.

38 (9) A plan describing how the proposed school-based early
39 mental health intervention and prevention services program will
40 be continued after the matching grant has expired.

1 (10) Assurance that grants would supplement and not supplant
2 existing local resources provided for early mental health
3 intervention and prevention services.

4 (11) A description of an evaluation plan that includes
5 quantitative and qualitative measures of school and pupil
6 characteristics, and a comparison of children's adjustment to
7 school.

8 (k) Matching grants awarded pursuant to this article may be
9 used for salaries of staff responsible for implementing the
10 school-based early mental health intervention and prevention
11 services program, equipment and supplies, training, and insurance.

12 (l) Salaries of administrative staff and other administrative costs
13 associated with providing services shall be limited to 5 percent of
14 the state share of assistance provided under this section.

15 (m) No more than 10 percent of each matching grant awarded
16 pursuant to this article may be used for matching grant evaluation.

17 (n) No more than 10 percent of the moneys allocated to the
18 director pursuant to this chapter may be utilized for program
19 administration and evaluation.

20 Program administration shall include both state staff and field
21 staff who are familiar with and have successfully implemented
22 school-based early mental health intervention and prevention
23 services. Field staff may be contracted with by local school districts
24 or community mental health programs. Field staff shall provide
25 support in the timely and effective implementation of school-based
26 early mental health intervention and prevention services. Reviews
27 of each project shall be conducted at least once during the first
28 year of funding.

29 (o) Subject to the approval of the director, at the end of the fiscal
30 year, a school district may apply unexpended funds to the budget
31 for the subsequent funding year.

32 (p) Contracts for the program and administration, or ancillary
33 services in support of the program, shall be exempt from the
34 requirements of the Public Contract Code and the State
35 Administrative Manual, and from approval by the Department of
36 General Services.

37 *SEC. 49. Section 5870 of the Welfare and Institutions Code is*
38 *amended to read:*

39 5870. The State Department of Mental Health shall establish
40 an advisory group comprised of, but not limited to, representatives

1 from the State Department of Education, the State Department of
2 Social Services, the State Department of Mental Health, ~~the~~
3 ~~Secretary of Child Development and Education~~, the County Mental
4 Health Directors Association, the County Welfare Directors
5 Association, the Chief Probation Officers Association, the Special
6 Education Local Planning Areas Directors Association, and service
7 providers from the private sector. The function of the advisory
8 group shall be to advise and assist the state and counties in the
9 development of a coordinated, comprehensive children's services
10 system under this part and other duties as defined by the Director
11 of Mental Health.

12 *SEC. 50. Section 18986.3 of the Welfare and Institutions Code*
13 *is repealed.*

14 ~~18986.3. For purposes of this chapter, the following definitions~~
15 ~~shall apply:~~

16 (a) ~~“Children’s services” means any services provided by any~~
17 ~~state or local agency or private entity for the health, safety, or~~
18 ~~well-being of minors.~~

19 (b) ~~“Council” means an interagency children’s services~~
20 ~~coordinating council established pursuant to Section 18986.10.~~

21 (c) ~~“Secretary of Child Development and Education” means a~~
22 ~~cabinet level officer appointed by the Governor.~~

23 *SEC. 51. Section 18986.20 of the Welfare and Institutions Code*
24 *is amended to read:*

25 18986.20. (a) Any county that wishes to participate under this
26 chapter and that develops a three-year program of coordinated
27 children's services pursuant to Section 18986.15, may, as a part
28 of its plan, request a waiver of existing state regulations pertaining
29 to requirements which hinder coordination of children's services.
30 The county may also request authorization to enter into a negotiated
31 contract which enables the repositioning and reallocation of
32 existing resources to facilitate integrated case management and
33 coordination among participating agencies.

34 (b) Requests for waivers or negotiated contracts shall be
35 submitted in writing, with a detailed description of the county's
36 plan for coordinated children's services and a detailed description
37 of the need for the waiver or negotiated contract to the Secretary
38 of the Health and Welfare Agency, the Superintendent of Public
39 Instruction, the Attorney General, *and* the Secretary of the Youth
40 and Adult Correctional Agency, ~~and the Secretary of Child~~

1 ~~Development and Education~~. Requests for negotiated contracts
2 shall also be submitted to the Department of Finance.

3 *SEC. 52. Section 18986.23 of the Welfare and Institutions Code*
4 *is amended to read:*

5 18986.23. Waivers and negotiated contracts shall be granted
6 pursuant to this chapter by the Secretary of the Health and Welfare
7 Agency, the Superintendent of Public Instruction, the Attorney
8 General, or the Secretary of the Youth and Adult Correctional
9 Agency, in consultation with ~~the Secretary of Child Development~~
10 ~~and Education~~ and the Department of Finance as follows:

11 (a) The Secretary of the Health and Welfare Agency shall grant
12 waivers or negotiated contracts for programs under his or her
13 jurisdiction, in consultation with the Superintendent of Public
14 Instruction, the Attorney General, *and* the Secretary of the Youth
15 and Correctional Agency, ~~and the Secretary of Child Development~~
16 ~~and Education~~.

17 (b) The Superintendent of Public Instruction shall grant waivers
18 or negotiated contracts for programs under his or her jurisdiction,
19 in consultation with the Attorney General, the Secretary of the
20 Health and Welfare Agency, *and* the Secretary of the Youth and
21 Adult Correctional Agency, ~~and the Secretary of Child~~
22 ~~Development and Education~~.

23 (c) The Attorney General shall grant waivers or negotiate
24 contracts for programs under his or her jurisdiction in consultation
25 with the Superintendent of Public Instruction, the Secretary of the
26 Health and Welfare Agency, *and* the Secretary of the Youth and
27 Adult Correctional Agency, ~~and the Secretary of Child~~
28 ~~Development and Education~~.

29 (d) The Secretary of the Youth and Adult Correctional Agency
30 shall grant waivers or negotiate contracts for programs under his
31 or her jurisdiction in consultation with the Attorney General, the
32 Superintendent of Public Instruction, *and* the Secretary of the
33 Health and Welfare Agency, ~~and the Secretary of Child~~
34 ~~Development and Education~~.

35 (e) The entity to whom a request for a waiver or negotiated
36 contract is submitted pursuant to this section shall issue written
37 notice of the granting of the waiver, any delay in the consideration
38 of the waiver request, or denial of the requested waiver within 60
39 days of the receipt of the request. Any county may appeal a

1 negative decision regarding a requested waiver or negotiated
2 contract.

3 (f) In addition to approval required by subdivisions (a) to (d),
4 inclusive, all requests for negotiated contracts shall be approved
5 by the Department of Finance.

6 *SEC. 53. Section 18986.24 of the Welfare and Institutions Code*
7 *is amended to read:*

8 18986.24. ~~The Secretary of Child Development and Education;~~
9 ~~the~~ Secretary of the Health and Welfare Agency, the Superintendent
10 of Public Instruction, the Attorney General, or the Secretary of the
11 Youth and Adult Correctional Agency shall notify the appropriate
12 policy committees and fiscal committees of the Legislature no
13 later than 30 days before any waiver or negotiated contract granted
14 pursuant to this article take effect.